

UTAH STATE BULLETIN

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

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

Division of Administrative Rules, Salt Lake City 84114

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NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between November 16, 2007, 12:00 a.m., and November 30, 2007, 11:59 p.m. are included in this, the December 15, 2007, 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 Rules being repealed are completely struck out.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 between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least January 14, 2008. 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 requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through April 13, 2008, 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 seven calendar days after the close of the public comment period 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 Section 63-46a-4; and Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

**Commerce, Occupational and
Professional Licensing
R156-37
Utah Controlled Substances Act Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30757

FILED: 11/26/2007, 17:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After further division review, additional amendments are being proposed with respect to the Controlled Substance Database.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-37-609(1), amendments are proposed to address necessary changes to the receipt of database information from pharmacies with all of the advancement of technology available for transmission of the required data. In Subsection R156-37-609(4), amendments are proposed to require that data be collected more frequently than in the past and explains how separate entities should comply. In Subsection R156-37-610(7), amendments are proposed to reflect the way in which the Utah Department of Health is to conduct research using the database information and due to the increasing size of the data, a larger secure computer is required.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 58-1-106(1)(a), 58-37-6(1)(a), and 58-37-7.5(7)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The division anticipates it will incur minimal costs of approximately \$50 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the division's current budget. The Department of Health may incur some costs to ensure the use of a secure database computer system to store electronic data obtained from the Controlled Substance Database. The division does not know an amount for the secure database computer system and the Department of Health may already have such a system in place.

❖ **LOCAL GOVERNMENTS:** The proposed amendments do not apply to local governments, therefore no costs or savings are anticipated. Proposed amendments only apply to regulated/licensed pharmacies who submit controlled substance prescription data to the Utah Controlled Substance Database and to Department of Health personnel.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The division anticipates there will be no costs or savings associated with this rule filing to the general public since the proposed rule amendments clarify existing provisions regarding methods of transferring data to the Controlled Substance Database, time frames and formats for transferring of data and database access by the Department of Health.

The public is not responsible for submitting information to the Controlled Substance Database. That responsibility lies with the licensed pharmacy who is filling a controlled substance prescription for a member of the general public. The division anticipates there may be some additional costs to regulated/licensed pharmacies only as a result of these proposed amendments. It should be noted that some of the licensed pharmacies may be considered a "small business". The proposed amendments are increasing the submittal time of prescription data from pharmacies to the Controlled Substance Database from weekly, bi-weekly, or monthly to at least one time per week. Pharmacies may also need to reconfigure data to comply with the proposed amendments. The division is unable to determine any exact costs to licensed pharmacies due to the diverse nature and size of pharmacies involved ranging from chain size pharmacies to small, locally-owned pharmacies. The division anticipates approximately 510 licensed pharmacies will be impacted by the proposed amendments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The division anticipates there may be some additional costs to regulated/licensed pharmacies only as a result of these proposed amendments. The proposed amendments are increasing the submittal time of prescription data from pharmacies to the Controlled Substance Database from weekly, bi-weekly, or monthly to at least one time per week. Pharmacies may also need to reconfigure data to comply with the proposed amendments. The Division is unable to determine any exact costs to licensed pharmacies due to the diverse nature and size of pharmacies involved ranging from chain size pharmacies to small, locally-owned pharmacies. The division anticipates approximately 510 licensed pharmacies will be impacted by the proposed amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated with this rule filing, which clarifies existing provisions regarding methods of transferring data into the Controlled Substance Database, time frames and formats for such transfer of data and Database access by the Department of Health. Francine A. Giani, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Diana Baker at the above address, by phone at 801-530-6179, by FAX at 801-530-6511, or by Internet E-mail at dbaker@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.

R156-37. Utah Controlled Substances Act Rules.

R156-37-609. Controlled Substance Database - Procedure and Format for Submission to the Database.

(1) In accordance with Subsections 58-37-7.5(6)(a), the format in which the information required under Section 58-37-7.5 shall be submitted to the administrator of the database is:

- (a) electronic data via telephone modem;
- (b) electronic data stored on floppy disk or compact disc (CD); ~~[-or]~~
- (c) electronic data sent via electronic mail (e-mail) if encrypted and approved by the database manager ~~[-];~~
- (d) electronic data sent via a secured internet transfer method, including but not limited to, FTP site transfer, HyperSend, or

any other electronic method preapproved by the database manager.

(2) The required information may be submitted on paper, if the pharmacy or pharmacy group submits a written request to the division and receives prior approval.

(3) The division will consider the following in granting the request:

(a) the pharmacy or pharmacy group has no computerized record keeping system upon which the data can be electronically recorded; or

(b) the pharmacy or pharmacy group is unable to conform its submissions to the format required by the database administrator without incurring undue financial hardship.

(4) ~~Each pharmacy or pharmacy group [may submit the data either weekly, bi-weekly, or monthly] shall submit all data collected during the preceding seven days at least one time per week. If the data is submitted by a single pharmacy entity, the data shall be submitted in chronological order according to the date each prescription was filled. If the data is submitted by a pharmacy group, the data is required to be sorted by individual pharmacy within the group, and the data of each individual pharmacy within the group is required to be submitted in chronological order according to the date each prescription was filled. [-Any pharmacy which does not declare its intention for timely submission of data will be presumed to have chosen monthly submission.]~~

(5) The format for submission to the database shall be in accordance with uniform formatting developed by the American Society for Automation in Pharmacy system (ASAP). The division may approve alternative formats or adjustments to be consistent with database collection instruments and contain all necessary data elements.

(6) The pharmacist-in-charge of each reporting pharmacy shall submit a report on a form approved by the division including:

- (a) the pharmacy name;
- (b) NABP number;
- (c) the period of time covered by each submission of data;
- (d) the number of prescriptions in the submission;
- (e) the submitting pharmacist's signature attesting to the accuracy of the report; and
- (f) the date the submission was prepared.

R156-37-610. Controlled Substance Database - Limitations on Access to Database Information - Standards and Procedures for Identifying Individuals Requesting Information.

(1) In accordance with Subsections 58-37-7.5(8)(a) and (b), the division director shall designate in writing those individuals within the division who shall have access to the information in the database.

(2) Personnel from federal, state or local law enforcement agencies may obtain information from the database if the information relates to a current investigation being conducted by such agency. The manager of the database may also provide information from the database to such agencies on his own volition when the information may reasonably constitute a basis for investigation relative to violation of state or federal law.

(3) In accordance with Subsections 58-37-7.5(5)(c), (6)(b), (7)(b), and (8)(d) and (e), the database manager may provide information from the database to licensed practitioners having authority to prescribe controlled substances and to licensed pharmacists having authority to dispense controlled substances. The database manager may provide the information on his own volition to accomplish the stated purposes set forth in Subsection 58-37-7.5(5).

(4) Any individual may request information in the database relating to that individual's receipt of controlled substances. Upon request for database information on an individual who is the recipient of a controlled substance prescription entered in the database, the manager of the database shall make available database information exclusively relating to that particular individual under the following limitations and conditions:

(a) The requestor seeking database information personally appears before the manager of the database, or a designee, with picture identification confirming his identity as the same person on whom database information is sought.

(b) The requestor seeking database information submits a signed and notarized request executed under the penalty of perjury verifying his identity as the same person on whom database information is sought, and providing their full name, home and business address, date of birth, and social security number.

(c) The requestor seeking database information presents a power of attorney over the person on whom database information is sought and further complies with the following:

(i) submits a signed and notarized request executed by the requestor under the penalty of perjury verifying that the grantor of the power of attorney is the same person on whom database information is sought, including the grantor's full name, address, date of birth, and social security number; and

(ii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor under the penalty of perjury verifying his identity as that of the person holding the power of attorney.

(d) The requestor seeking database information presents verification that he is the legal guardian of an incapacitated person on whom database information is sought and further complies with the following:

(i) submits a signed and notarized request executed by the requestor under the penalty of perjury verifying that the incapacitated ward of the guardian is the same person on whom database information is sought, including the ward's full name, address, date of birth, and social security number; and

(ii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor under the penalty of perjury verifying his identity as that of the legal guardian of the incapacitated person.

(e) The requestor seeking database information shall present a release-of-records statement from the person on whom database information is sought and further complies with the following:

(i) submits a verification from the person on whom database information is sought consistent with the requirements set forth in paragraph (4)(b);

(ii) submits a signed and notarized release of records statement executed by the person on whom database information is sought authorizing the manager of the database to release the relevant database information to the requestor; and

(iii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor under the penalty of perjury verifying his identity as that of the requestor identified in the release of records;

(5) Before data is released upon oral request, a written request may be required and received.

(6) Database information may be disseminated either orally, by facsimile or by U.S. mail.

(7) The Utah Department of Health may access Database information for purposes of scientific study regarding public health. To access information, the scientific investigator must:

(a) show the research is an approved project of the Utah Department of Health;

(b) provide a description of the research to be conducted^[5] including a research protocol[s] for the project and a description of the data [needs]needed from the Database to conduct that research;

(c) provide assurances and a plan that demonstrates all Database information will be maintained securely, with access only permitted by the scientific investigator;

(d) provide for electronic data to be stored on a [stand alone]secure database computer system with access only allowed by the scientific investigator; and

(e) pay all relevant expenses for data transfer and manipulation.

KEY: controlled substances, licensing

Date of Enactment or Last Substantive Amendment: ~~October 22, 2007~~ **2008**

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-37-6(1)(a); 58-37-7.5(7)

◆ ————— ◆
Education, Administration

R277-469

**Instructional Materials Commission
 Operating Procedures**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30781

FILED: 11/30/2007, 14:43

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for 2007 legislation in H.B. 364 which prohibits a school district from purchasing certain instructional materials unless the materials have been evaluated by an independent party for alignment with the state core curriculum.

(DAR NOTE: H.B. 364 (2007) is found at Chapter 349, Laws of Utah 2007, and was effective 04/30/2007.)

SUMMARY OF THE RULE OR CHANGE: The amended rule requires that the alignment evaluation be made available on a website at no charge; exempts charter schools from the evaluation requirement; provides direction to publishers who want to sell primary instructional materials to Utah schools on the correct procedures and forms required for consistent, independent party alignment to the core; and provides requirements for online posting to publisher websites.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53A-14-101 through 53A-14-106, and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated cost or savings to the state budget. The only role that the Utah State Office of Education has is to prepare and participate in a request for proposal process for the selection of an independent party to align instructional materials with the core curriculum. There is no additional cost for that process.

❖ **LOCAL GOVERNMENTS:** There are anticipated costs to school districts because of anticipated increases in the cost of textbooks as a result of significant costs to publishers to pay an independent party to align instructional materials with the state core curriculum. One publisher reported that the cost to the publishing company to align one textbook to the core curriculum will be \$500. Textbook publishers report that this increase in their costs will be passed on to textbook purchasers (schools and school districts).

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** One textbook company reports that the alignment of one textbook to the Utah core curriculum will cost the company \$500. The publisher also reports a speculative cost to the publishing company because the publishing company will not be able to afford all of the alignments (at the publisher's own cost) and will lose business because their textbooks are not aligned.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A textbook publisher may be a corporation or an individual. It appears that there will be compliance costs for textbook publishers because of this rule. One company reports that the alignment of one textbook to the Utah core curriculum will cost the company \$500. The publisher also reports a speculative cost

to the publishing company because the publishing company will not be able to afford all of the alignments (at the publisher's own cost). One small and one large publishing company report that they may lose business because the publishers cannot afford to comply with the new law and this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see that there will be fiscal impact on businesses. Primary instructional materials used in Utah public schools will now need to be evaluated by an independent party for alignment with the state core curriculum at a cost of approximately \$500 per title, based on one publisher's estimates. 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 carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-469. Instructional Materials Commission Operating Procedures.

R277-469-1. Definitions.

A. "Advanced placement materials" means materials used for the College Board Advanced Placement Program and classes. The program policies are determined by representatives of member institutions. Operational services are provided by the Educational Testing Service. The program provides practical descriptions of college-level courses to interested schools and student test results based on these courses to colleges of the student's choice. Participating colleges grant credit or appropriate placement, or both, to students whose test results meet standards prescribed by the college.

B. "Basic skills course" means a subject which requires mastery of specific functions to include reading, language arts, mathematics through geometry, science, in grades 4 through 12, and effectiveness of written expression.

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

D. "Commission" means the Instructional Materials Commission.

E. "Instructional materials" means systematically arranged text materials, in harmony with the Core framework and required courses of study or U-PASS requirements or both, which may be used by students or teachers or both as principal sources of study and which cover any portion of the course. These materials:

(1) shall be designed for student use; and

(2) may be accompanied by or contain teaching guides and study helps; and

(3) shall be high quality, research-based and proven to be effective in supporting student learning.

F. "Independent party" means an entity that is not the Board, not the superintendent of public instruction or USOE staff, or an employee or board member of a school district, or the instructional materials creator or publisher, or anyone with a financial interest in the instructional materials, however minimal. ~~[The USOE shall develop a list of approved independent parties to be recommended to the Board.]~~ The USOE shall develop a Request for Proposal (RFP) to select one vendor to conduct the required alignments.

G. "Integrated instructional program" means any combination of textbooks, workbooks, software, videos, transparencies, or similar resources used for classroom instruction of students.

H. "International Baccalaureate" means college level work, limited in subject areas, which balances humanities and sciences in an interdisciplinary, global academic program that is both philosophical and practical. This multi-cultural experience emphasizes analytical and conceptual skills and aesthetic understanding for advanced students.

I. National Instructional Materials Accessibility Standard (NIMAS) is a technical standard used by publishers to produce consistent and valid XML-based source files that may be used to develop multiple specialized formats, such as Braille or audio books, for students with print disabilities.

J. "Not recommended materials" means instructional materials which have been reviewed by the Commission but not recommended.

K. "Primary instructional material" means a comprehensive basal or Core textbook or integrated instructional program for which a publisher seeks a recommendation for Core subjects designated in R277-700-4, 5, and 6.

L. "Primary instructional materials provider" means a publisher or author and self-publisher who sells or provides instructional materials for use in Utah public schools.

M. "Public website" means a website provided by the publisher of instructional materials, free-of-charge, to teachers and the general public, to exhibit alignment mapping to the Core for Utah primary instructional materials.

N. "Recommended instructional materials (RIMs)" means the recommended instructional materials searchable database provided as a free service by the USOE for the posting of evaluations and alignments to the Core of instructional materials submitted by publishers and on the public website of the publisher, if applicable, for review by the Commission and approval of the Board.

O. "State Core Curriculum (Core)" means minimum academic standards provided through courses as established by the Board which shall be completed by all students K-12 as a requisite for graduation from Utah's secondary schools. The Core is provided in R277-700.

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

Q. "Utah Performance Assessment System for Students (U-PASS)" means:

(1) systematic norm-referenced achievement testing of all students in grades 3, 5, 8, and 11 required by this part in all schools within each school district by means of tests designated by the Board;

(2) criterion-referenced achievement testing of students in all grade levels in basic skills courses, to include reading, language arts, mathematics through geometry, science, in grades 4 through 12, and effectiveness of written expression, as defined in Section 53A-1-602;

(3) a direct writing assessment in grades 6 and 9; and

(4) a tenth grade basic skills competency test as detailed in Section 53A-1-611.

R277-469-9. Agreements and Procedures for Publishing Companies.

A. Publishing companies desiring to sell primary instructional materials to Utah school districts and schools shall:

(1) contract with an independent party to evaluate and align the primary instructional material and related ancillary materials to the appropriate Utah Core for basic skills courses and in harmony with the following provisions:

(a) the publisher provides a detailed summary of the Core alignment mapping on a public website at no charge; and

(b) the publisher provides a hyperlink from the public website to the Commission for the purpose of tying the independent alignment mapping to the evaluation conducted by the Commission on the RIMs website.

(2) The requirements under R277-469-9-A(1) shall only be performed by entities consistent with Section 53A-14-107(2).

B. The USOE shall select one independent entity through an RFP process requiring competitive sealed proposals consistent with the law.

[B]C. Publishers seeking to sell recommended materials to Utah schools or school districts shall have adopted materials on deposit at an instructional materials depository in the business of selling instructional materials to schools or school districts in Utah.

[C]D. Depository agreements may be made between publishers of materials and one or more depository.

[D]E. The provisions of R277-469-9 shall not preclude publishers from selling instructional materials to schools or school districts in Utah directly or through means other than the designated depository.

[E]F. Recommended materials with revisions:

(1) If a revised edition of recommended materials retains the original title and authorship, the publisher may request its substitution for the edition currently recommended providing that:

(a) the original contract price and contract date do not change and the original contract price applies for the substituted materials;

(b) the revised edition is compatible with the earlier edition, permitting use of either or both in the same classroom;

(c) a sample copy of the revised edition is provided to the USOE Instructional Materials Specialist for examination purposes; and

(d) the publisher submits a revised electronic edition in NIMAS file format to the National Instructional Materials Access Center (NIMAC) if the USOE approves the substitution request.

(2) If Subsection R277-469-8E is not satisfied, a new edition shall be submitted for recommendation as new materials.

(3) The Commission shall make the final determination about the substitution of a new edition for a previously recommended edition with assistance from the state subject area specialist.

[F]G. A publisher's contract price for materials recommended by the Commission shall apply for five years from the contract date.

KEY: instructional materials

Date of Enactment or Last Substantive Amendment: ~~[August 7, 2007]~~ **2008**

Notice of Continuation April 4, 2003

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-14-101 through 53A-14-106; 53A-1-401(3)



Environmental Quality, Administration

R305-3

Emergency Meetings

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 30766

FILED: 11/28/2007, 10:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the five-year review process, the agency sought legal review. The department was advised that this rule imposed requirements that went substantially beyond the statutory requirements of Subsection 52-4-202(5). Facing a genuine emergency, it is not appropriate for the agency to be more constrained in its actions than provided by the Utah Legislature. Further, although it is not appropriate to mandate extra-statutory requirements for emergency meetings, it is our intention to continue to comply with the procedures specified in the rule whenever possible.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety. The agency would ensure that statutory requirements were met for any emergency meeting, but the additional regulatory mandates would no longer be required.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 63-46a-9(3) and 63-46a-9(3)(b)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Any costs or savings would be negligible. The cost of holding a meeting on an emergency basis will be essentially identical to the cost of holding a meeting as quickly as possible using normal procedures, particularly given that the agency is required by statute to give the best notice practicable. Moreover, any changes in costs would be negligible because emergency meetings are extremely infrequent; the entire department has held no such meeting in the course of its existence.

❖ **LOCAL GOVERNMENTS:** There will be no cost or savings for local governments because this rule governs the actions only of the Department of Environmental Quality (DEQ) and not local governments. Repeal of the rule may modify the procedures that DEQ uses to call an emergency meeting, but it would not make emergency meetings less likely to occur.

Any costs local governments would incur associated with an emergency meeting, e.g., attending such a meeting, would therefore be unchanged. Finally, it should be noted that changes in costs would be negligible because emergency meetings are extremely infrequent; the entire department has held no such meeting in the course of its existence.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There will be no direct cost or savings for small businesses or other interested persons because this rule governs the actions only DEQ and not small businesses or other interested persons. Repeal of the rule may modify the procedures that the department uses to call an emergency meeting, but it would not make emergency meetings less likely to occur. Any costs businesses and other interested persons would incur associated with an emergency meeting, e.g., attending such a meeting, would therefore be unchanged. Finally, it should be noted that changes in costs would be negligible because emergency meetings are extremely infrequent; the entire department has held no such meeting in the course of its existence.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule imposes no requirements on any entity other than DEQ, therefore there would be no compliance costs for any "affected persons" outside of DEQ. With respect to DEQ and its Board members, the cost of holding a meeting on an emergency basis will be essentially identical to the cost of holding a meeting as quickly as possible using normal procedures, particularly given that the agency is required by statute to give the best notice practicable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule will have no impact on business. It is possible that board matters dealt with in an emergency meeting will have an impact on business but those impacts would be evaluated, as required, under independent authority. Further, although it is not appropriate to require extra-statutorial requirements for emergency meetings, it is our intention to continue to comply with the procedures specified in the rule whenever possible. Richard Sprott, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Lockhart at the above address, by phone at 801-366-0283, by FAX at 801-366-0292, or by Internet E-mail at LLOCKHART@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/15/2008

AUTHORIZED BY: Richard W. Sprott, Executive Director

R305. Environmental Quality, Administration.

~~**R305 3. Emergency Meeting.**~~

~~**R305 3 1. Purpose.**~~

~~— The Department of Environmental Quality and the Boards established within the Department in accordance with Section 19-1-106 recognize that there may be times when, due to the necessity of considering matters of an emergency or urgent nature, the public provisions of Sections 52-4-6(1), (2), and (3) cannot be met. Pursuant to Sections 52-4-6(5), under such circumstance those notice requirements need not be followed but rather the best notice practicable shall be given.~~

~~**R305 3 2. Authority.**~~

~~— This rule is enacted under the authority of Sections 63-46a-3 and 19-1-201(2)(k) and 202(1)(a).~~

~~**R305 3 3. Procedure.**~~

~~— (1) No emergency meeting shall be held unless an attempt has been made to notify all members of the Board of the proposed meeting and a majority of the convened Board votes in the affirmative to hold such an emergency meeting.~~

~~— (2) Public notice of each emergency meeting shall be provided as soon as practicable and shall include at minimum the following:~~

~~— (a) The agenda and notice of the meeting shall be posted in writing at the offices of the division or department.~~

~~— (b) If members of the Board may appear electronically or telephonically, each such notice shall specify the anchor location for the meeting at which all interested persons and members of the public may attend, monitor, and participate in the open portions of the meeting;~~

~~— (c) Notice to the Board members shall advise how they may participate telephonically or electronically and be counted as present for all purposes, including the determination of a quorum;~~

~~— (d) Written, electronic or telephonic notice shall be provided to at least one newspaper of general circulation within the state and at least one local media correspondent.~~

~~— (3) If one or more members of the Board appear electronically or telephonically, the procedures governing electronic meetings shall be followed, except for the notice requirement which shall be governed by these provisions.~~

~~— (4) In convening the meeting and voting in the affirmative to hold such an emergency meeting, the Board shall affirmatively state and find what unforeseen circumstances have rendered it necessary for the Board to hold an emergency meeting to consider matters of an emergency or urgent nature such that the ordinary public notice of meetings provisions of Section 52-4-6 could not be followed.~~

KEY: emergency meetings, board meetings

Date of Enactment or Last Substantive Amendment: November 8, 2002

Authorizing, and Implemented or Interpreted Law: 63-46a-3; 19-1-201(2)(k); 19-1-202(1)(a)]

◆ ————— ◆

Environmental Quality, Radiation
Control
R313-12-111
Submission of Electronic Copies

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30774

FILED: 11/30/2007, 08:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this amendment is to add to the rule the requirements for the submission of electronic copies of reports and other documentation to the agency.

SUMMARY OF THE RULE OR CHANGE: Section R313-12-111 is added to Rule R313-12 with the requirement that all official submissions to the Executive Secretary shall also be submitted in electronic format. This will include all attachments. Exempted items to this rule change are located in Subsection R313-12-111(5).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No impact to the state budget is anticipated since this requirement specifies computer software and hardware that the state currently uses.

❖ **LOCAL GOVERNMENTS:** A few local government agencies send submissions to the Executive Secretary of the Radiation Control Board. There may be a cost for some local government agencies, but the amount is unknown because the Executive Secretary has no information about the computer software and hardware used by the affected local government agency. The Executive Secretary chose to provide a narrative explanation rather than a dollar estimate because of the lack of information about the computer software and hardware used by an affected local government agency.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Some small businesses and persons other than small businesses send submissions to the Executive Secretary of the Radiation Control Board. There may be a cost for some small businesses and persons other than small businesses, but the amount is unknown because the Executive Secretary has no information about the computer software and hardware used by small businesses and persons other than businesses. The Executive Secretary chose to provide a narrative explanation rather than a dollar estimate because of the lack of information about the computer software and hardware used by an affected small business.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons affected by this rule may have a cost to be compliant with the requirement to submit official submissions in an electronic format. The cost for an affected person is unknown because the Executive Secretary of the Radiation Control Board has no

information about the computer software and hardware used by the person. The Executive Secretary chose to provide a narrative explanation rather than a dollar estimate because of the lack of information about the computer software and hardware used by an affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A small number of Utah businesses may be affected by the proposed rule due to incompatible computer software and hardware. The rule is expected to have a minimal financial impact on business. The specific amount is unknown, but it is likely to be less than \$1,000 per licensee. Richard W. Sprott, Executive Director

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

ENVIRONMENTAL QUALITY

RADIATION CONTROL

Room 212

168 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Jones at the above address, by phone at 801-536-4264, by FAX at 801-533-4097, or by Internet E-mail at cwjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/11/2008

AUTHORIZED BY: Dane Finerfrock, Director

R313. Environmental Quality, Radiation Control.

R313-12. General Provisions.

R313-12-111. Submission of Electronic Copies.

(1) All official submissions to the Executive Secretary not exempt in paragraph R313-12-111(5) shall also be submitted to the Executive Secretary in electronic format. This requirement extends to all attachments to these documents.

(2) The electronic copy shall be a true, accurate, searchable and reproducible copy of the official submission, except that it need not include signatures or professional stamps.

(3) All electronic copies shall be submitted on a CD or DVD nonrewritable disc, except that documents smaller than one megabyte may be submitted by email to an appropriate Division of Radiation Control staff member.

(4) All documents shall be submitted in one of the following electronic formats, at the choice of the submitter:

(a) a searchable PDF document (a document that may be read and searched using Adobe Reader); or

(b) a Microsoft Word document.

(5) The requirements of this rule do not apply to X-ray registration applications or submissions shorter than 25 pages unless otherwise ordered by the Executive Secretary. The Executive Secretary may also waive the requirements of R313-12-111(1) for good cause.

(6) If an official submission includes information for which business confidentiality is claimed, this requirement applies only to that portion of the submission for which business confidentiality is not claimed.

KEY: definitions, units, inspections, exemptions

Date of Enactment or Last Substantive Amendment: [~~October 20, 2006~~2008]

Notice of Continuation: July 10, 2006

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108



Governor, Economic Development **R357-2** Rural Broadband Service Fund

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 30788

FILED: 11/30/2007, 16:47

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to encourage the development of broadband service into rural Utah and to assist companies who will develop the service with the cost of that development.

SUMMARY OF THE RULE OR CHANGE: The purpose of this program is to provide rural Utah communities with broadband service. The expansion of broadband service is seen by the legislature as an important part of economic development in rural Utah. This rule will allow the Governor's Office of Economic Development (GOED) to administer and grant monies from the Rural Broadband Service Fund to companies who will develop and maintain broadband service in rural communities. It will establish the system by which applications can be made to the fund, how the applications will be ranked and how monies will be granted. It also establishes the procedures for verification and resolution of any disputes regarding deployment of the broadband service.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-38f-2301, 63-38f-2302, 63-38f-2303, 63-38f-2304, 63-38f-2305, and 63-38f-2306

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The cost for FY 2007-2008 is \$1,000,000 from the General Fund as allocated in S.B. 268 from the 2007 General Session of the Legislature. (DAR NOTE: S.B. 268 (2007) is found at Chapter 327, Laws of Utah 2007, and was effective 07/01/2007.)

❖ **LOCAL GOVERNMENTS:** GOED is responding to this question in narrative form because this rule is being developed in response to new legislation. The anticipated impact should be minimal as the local communities will be called upon to review the plans, maps, and rates as proposed by the broadband service providers for adherence to local ordinances and

proper use of existing or creation of new rights-of-way. It is anticipated that the cost to review the supplied documents will be minimal.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** GOED is providing the following response in narrative form since to the best of our knowledge there are no small businesses, fewer than 50 employees, or persons other than businesses who will be eligible or able to qualify to deploy broadband service. Small business may be contracted to provide subcontractor services, but the local telecom companies, cable companies, or major telecom providers are likely the only companies capable of providing services and they are the businesses which will be affected by this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The following response to this question is in narrative form since GOED contacted the companies which are expected to be affected by the rule and requested that their staff review the law and the draft of the proposed rule for time and cost of compliance.

After the requested reviews, it was reported to the GOED that the providers anticipated a cost of between \$50 - \$300 per application.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Based on a review of the proposed rule for the Rural Broadband Service Fund and the survey conducted by the staff of GOED with the identified stakeholders, the expected cost to the affected parties should be minimal. Jason P. Perry, Executive Director

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

GOVERNOR
ECONOMIC DEVELOPMENT
324 S State
5th Floor
SALT LAKE CITY UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Michael Sullivan at the above address, by phone at 801-538-8811, by FAX at 801-538-8888, or by Internet E-mail at mgsullivan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/22/2008

AUTHORIZED BY: Jason Perry, Director

**R357. Governor, Economic Development.
R357-2. Rural Broadband Service Fund.
R357-2-1. Purpose.**

(1) The purpose of these rules is to provide:
(a) the procedures for and content of applications to the Governor's Office of Economic Development for grants from the Rural Broadband Service Fund;

(b) the method for providing public notice of applications and receipt of public comment on applications or competing applications;

(c) the criteria upon which the Governor's Office of Economic Development will determine whether to award a grant from the Rural Broadband Service Fund; and

(d) the procedures for receiving payments from the Rural Broadband Service Fund.

R357-2-2. Authority.

(1) Subsection 63-38f-2304 (2)(d) requires the office to make rules governing the following aspects of the Rural Broadband Service Fund:

(a) the method of providing public notice;

(b) the time period for public comment; and

(c) the manner of filing a competing application.

(2) Subsection 63-38f-2306 permits the office to make additional rules governing the Rural Broadband Service Fund as it deems necessary to administer the Rural Broadband Service Fund, with the advice of the board, and in accordance with Title 63 Chapter 46a, Utah Administrative Rulemaking Act.

R357-2-3. Definitions.

(1) As used in these rules the following terms are used as defined in section 63-38f-2302:

(a) "Broadband service" means any wire line technology identified by the director as having the capacity to transmit data from and to a subscriber's computer to the Internet or Internet-related services at a minimum rate of data transmission of 256 kilobits per second.

(b) "Fund" means the restricted account known as the Rural Broadband Service Fund created in Section 63-38f-2303.

(c) "Provider" means an entity that will install or have installed under its supervision, and will own facilities and use them to provide retail broadband service to subscribers in a rural area.

(d) "Rural area" means any territory in the state:

(i) within a city, town, or unincorporated area with a population of 10,000 or less based on the most recently published data of the United States Census Bureau; and

(ii) in which broadband service is not available.

(2) As used in these rules:

(a) "Act" means the Rural Broadband Service Fund Act as provided in Section 63-38f-2301, et seq.

(b) "Board" means the Board of Business and Economic Development as provided in Section 63-38f-301.

(i) Any member of the board that represents or has a financial interest in any provider competing for grants under the act shall be disqualified from participation in review of or deliberations regarding applications or other activities of the board under the act or these rules.

(c) "Cost of deployment of broadband service" means all costs associated with the installation of broadband service, including the cost of materials and supplies, the cost of professional services, labor, equipment and permit fees incurred in installation, cost of right-of-way and real property required for the installation, normal overheads, costs of supervision, costs for any interconnection facilities necessary to provide broadband service, and any other deployment costs identified by the provider as one-time network installation costs.

(i) "Cost of deployment of broadband service" does not include any recurring operational costs.

(d) "Director" means the executive director of the Governor's Office of Economic Development as provided in Section 63-38f-202.

(e) "Office" means the Governor's Office of Economic Development as provided in Section 63-38f-201.

(f) "Project" means the installation of broadband service in a rural area by a provider.

(g) "Wire line technology" means a technology under which the broadband signal is carried between the provider and the subscriber over a wire, coaxial cable, or fiber optic cable. The office may not discriminate against any accepted technology for provision of broadband service other than for reasons stated in subsection 63-38f-2304 (8)(a).

R357-2-4. Method of Providing Public Notice and Time Period for Public Comment and Notice for Competitive Applications.

(1) Upon acceptance of an application for deployment of broadband service in a rural area that complies with R357-2-6 and which is without deficiencies and complete, the office will open a 30-day competing application period following the issuance of public notice. During this time period the office will accept competing applications that comply with R357-2-6 to provide broadband service in exactly the same rural area as proposed in the first application received as specified in R357-2-6 (3).

(2) Public notice of acceptance of an application for deployment of broadband service in a rural area shall be provided within 15 days of acceptance by the office as follows:

(a) notice of the application shall be posted by the office on its official website;

(b) notice shall be provided by the office through email to any person that has previously requested a copy of such notices; and

(c) notice by the office may be facilitated through associations, providers or applicants as directed by the office.

(3) Notice of the application shall be delivered by the provider through registered mail or personal delivery to the chief executive officer or executive body of:

(a) any town or city included in whole or in part within the proposed service area of the project; and

(b) any county in which an unincorporated area is included in whole or in part within the proposed service area of the project.

(4) The notice from the provider shall:

(a) identify the provider and the project generally, including its proposed service area and wire line technology, but need not disclose the proposed installation budget and timeline, business plan, or any other information designated by the provider as competitively sensitive and accepted by the office as sensitive; and

(b) inform interested persons that they have 15 days within which to provide written comments on the application.

R357-2-5. Manner of Filing a Competing Application, Public Notice and Public Comment on a Competing Application.

(1) Any competing application submitted to the office shall comply with the requirements of R357-2-6, and the office shall review a competing application for acceptance in the same manner as an initial application; and

(a) if a competing application is rejected by the office, the provider submitting the competing application may have the opportunity to complete, correct and resubmit the application as provided in R357-2-6 (4)(a) provided it is completed, corrected and resubmitted within the 30-day competing application period.

(2) Both the initial application and the competing application will be publicly noticed as provided by R357-2-4; and

(a) written comments on the applications will be received for 15 days following the close of the competing application period; and

(b) no additional competing applications may be submitted after the close of the 30-day competing application period.

R357-2-6. Procedures for Applications for Grants From Fund.

(1) A provider that wishes to deploy broadband service in a rural area may file an application for a grant from the fund with the office.

(2) An application shall:

(a) be accompanied by an affidavit executed by an officer, general partner, member, principal, or other authorized representative of the provider under oath verifying that the information in the application is true and correct to the best of the knowledge, information and belief of the individual signing the affidavit and that the individual signing the affidavit has the authority to submit the application on behalf of the provider;

(b) include the following information regarding the provider:

(i) the company name, street and mailing address, telephone number, fax number, and email address and federal tax ID number of the provider;

(ii) the name, title, address, telephone number, fax number, and email address of the individual or individuals with whom contacts regarding the application should be made;

(iii) evidence that the provider is properly organized and authorized to do business in the state;

(iv) information, including financial statements, demonstrating the provider's technical, managerial, and financial qualifications to deploy the broadband service and to continue to provide broadband service to customers subscribing to the broadband service;

(c) provide Incumbent Local Exchange Carrier (ILEC) or Competitive Local Exchange Carrier (CLEC) certification as granted by the Utah Public Service Commission and information regarding prior deployments of broadband service by the provider.

(3) An application shall provide the following information regarding the proposed project:

(a) a description of the proposed project, including:

(i) the location of the proposed project; and

(ii) a map showing the proposed service area;

(b) Information demonstrating that the proposed service area is a rural area, including:

(i) information on the population of the proposed service area or any municipality in which it is located from the most recently published data of the United States Census Bureau; and

(c) a description of the facilities that the provider plans to install, including:

(i) the wire line technology that will be used in providing broadband service;

(d) the number of potential subscribers;

(e) the budget for the project;

(f) the timeline for deployment of broadband service;

(g) the proposed initial set up charge, if any, to subscribers, including any equipment charge;

(i) the terms and conditions upon which broadband service will be established and will continue to be provided to subscribers;

(h) include a form of public notice of the application consistent with R357-2-4(4); and

(i) such other information as the provider wishes to provide.

(4) Within 60 days after an initial application is received by the office, the office shall review the application to determine if it is complete and if it proposes a project that appears to be eligible for a grant from the fund. If the application is complete and proposes a project that appears eligible, the office shall notify the provider that it is accepted for consideration. If the application is deficient, the office shall promptly return it to the provider, identifying the areas of deficiency.

(a) A provider shall have 15 business days to correct, complete and resubmit any application found deficient by the office. Any application resubmitted after 15 business days shall be deemed to be a new application.

(5) Once an initial application is accepted by the office as complete, the office shall within 15 days open a competing application period and provide public notice per R357-2-4(2).

(6) The office shall treat all competitively sensitive information submitted in an application as confidential and protected business records under the Government Records Access and Management Act.

R357-2-7. Ranking and Approval of Applications.

(1) The office shall review and rank for approval accepted applications, based upon the following criteria:

(a) the financial, managerial, and technical qualification of the provider;

(b) the number of potential subscribers to be served;

(c) the reasonableness of the cost of deployment;

(d) the timeline of deployment;

(e) the initial set up charge, if any, to subscribers, including any equipment charge; and

(f) the terms and conditions on which broadband service will be provided.

(2) In ranking applications, the office may:

(a) obtain information from the provider or others;

(b) conduct its own analysis of any issue relevant to the application, including economic development impacts of the proposed project;

(c) consider economic benefits to potential subscribers or to the state likely to accrue as a result of completion of the project;

(d) require the submission of a business plan and consider the viability of the provider's business plan to continue providing broadband service to all or some subscribers in the rural area;

(e) require the provider to make one or more presentations to the office, director or the board;

(f) require the provider to agree to make reasonable adjustments to the application or agree to reasonable conditions if necessary to make the application consistent with the act in order for the application to continue to receive consideration;

(g) consult with the Division of Public Utilities created in Section 13-1-2; and

(h) not discriminate against any accepted technology for provision of broadband service other than for reasons of cost or the terms and conditions upon which a provider proposes to provide broadband service to potential subscribers.

(3) If after the process of ranking the applications the office is unable to substantially differentiate between competing applications it may give preference to the application which was filed first.

(4) Based on the ranking of the applications in subsections R357-2-7(1), (2), and (3), the office shall inform the highest ranked provider that its application, including any modification to the application accepted by the provider pursuant to subsection R357-2-

7(2)(f) is approved, subject to entry into an agreement with the office and successful performance of the agreement.

(5) Once an application for a given rural area is approved and the office has entered into an agreement with the selected provider for deployment of broadband service to that rural area, other applications for deployment of broadband service to the same rural area will be held in abeyance by the office until successful completion of the project as confirmed by the office at which time the competing applications will be removed from the ranking and shall be deemed denied.

(6) If a project is determined by the office as unable to be completed by the selected provider, the office may consider competing applications if in the judgment of the director the project cannot be completed by the provider originally selected.

(7) The office or director may continue approving applications in the order of ranking from highest to lowest until the office has entered into agreements with providers that provide for total grants equal to the lesser of:

(a) the total amount available for grants from the fund; or
(b) the total amount of grants sought by all approved applications.

(8) No grant will be approved for an amount greater than the lesser of one-half of:

(a) the actual cost of deployment of broadband service in the rural area as established by verified accounts filed with the office by the provider after completion of the project; or

(b) the budgeted amount for deployment of broadband service in the rural area as established by the application as modified prior to approval pursuant to subsection R357-2-3(4).

R357-2-8. Procedures Verification of Completion and for Payment of Grants From the Fund.

(1) Upon completion of an approved project in accordance with the terms of the agreement between the provider and the office, the provider shall provide a report to the office. The report shall:

(a) be accompanied by an affidavit executed by an officer, general partner, member, principal, or other authorized representative of the provider under oath verifying that the information in the report is true and correct to the best of the knowledge, information and belief of the individual signing the affidavit and that the individual signing the affidavit has the authority to submit the report on behalf of the provider;

(b) state that the project has been completed in accordance with the agreement; and

(c) provide accounts establishing the actual cost of deployment.

(2) The office shall examine the report of the provider submitted pursuant to subsection R357-2-8(1) and may reasonably investigate any matter related to the report. If the office determines that there is any material deficiency in the provider's performance of its obligations under the agreement, it shall notify the provider of each deficiency and the provider shall have reasonable opportunity to correct the deficiency or to dispute that any deficiency exists.

(3) The director shall disburse the grant as provided in the agreement to the provider following:

(a) the provider's submission of the report;

(b) the office's determination that the project has been completed in accordance with the agreement; and

(c) the office's review and acceptance of the accounts establishing the actual cost of deployment as submitted by the provider pursuant to R357-2-8 (1);or

(d) if the office identifies deficiencies, following the provider's certification that it has corrected the deficiencies and the director has verified that the deficiencies are corrected.

(4) If the provider contests the specification of deficiencies by the office, the board and director shall review the report and the office claim and determine whether material deficiencies exist. If after consultation with the board, the director determines that no material deficiency exists, the director shall disburse the grant. If the director determines that material deficiencies continue to exist, the director shall notify the provider of each material deficiency and the provider shall have reasonable opportunity to correct the material deficiency or to dispute that any material deficiency exists.

KEY: broadband, job creation, rural economic development, Rural Broadband Service Fund

Date of Enactment or Last Substantive Amendment: 2008

Authorizing, and Implemented or Interpreted Law: 63-38f-2301; 63-38f-2302; 63-38f-2303; 63-38f-2304; 63-38f-2305; 63-38f-2306



**Health, Health Care Financing,
Coverage and Reimbursement Policy**
R414-52
Optometry Services

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30775

FILED: 11/30/2007, 08:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In accordance with appropriations authorized during the 2007 General Session of the Utah Legislature (H.B. 150), this amendment is necessary to restore the provision of eyeglasses to adult Medicaid clients. (DAR NOTE: H.B. 150 (2007) is found at Chapter 371, Laws of Utah 2007, and was effective 07/01/2007.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes language that excludes nonpregnant adults ages 21 and older from the provision of eyeglasses. It also adds a \$3 copayment to Medicaid recipients for each pair of eyeglasses they receive.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3, and 42 CFR 440.60 and 440.120(d)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The companion filing for this rulemaking, Rule R414-53, Eyeglasses Services, details the state budget impact through the restoration of vision care services. (DAR NOTE: The proposed amendment to Rule R414-53 is under DAR No. 30776 in this issue, December 15, 2007, of the Bulletin.)

❖ LOCAL GOVERNMENTS: There is no budget impact because local governments do not fund or provide eyeglasses under the Optometry Program.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The companion filing for this rulemaking, Rule R414-53, details the budget impact to other persons and small businesses through the restoration of vision care services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The companion filing for this rulemaking, Rule R414-53, details the budget impact for affected persons through the restoration of vision care services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Adult vision care with a small co-payment restored as a Medicaid benefit will have a positive impact on business. David N. Sundwall, MD, Executive Director

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 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-52. Optometry Services.

R414-52-3. Client Eligibility Requirements.

Optometry services are available to categorically and medically needy individuals, ~~except that non-pregnant adult recipients ages 21 and older do not receive eyeglasses under this rule.~~

R414-52-5. Reimbursement.

(1) Fees for services for which the Department will pay optometrists are established from the physician's fees for CPT codes as described in the State Plan, Attachment 4.19-B, Section D Physicians. A \$3 copayment for each pair of eyeglasses is applied to Medicaid recipients who fall under the copayment requirement. Fee schedules were initially established after consultation with provider representatives. Adjustments to the schedule are made in accordance with appropriations and to produce efficient and effective services.

(2) The Department pays the lower of the amount billed and the rate on the schedule. A provider shall not charge the Department a fee that exceeds the provider's usual and customary charges for the provider's private-pay patients.

KEY: Medicaid, optometry

Date of Enactment or Last Substantive Amendment: ~~July 1, 2006~~ **2008**

Notice of Continuation: June 6, 2003

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3



Health, Health Care Financing, Coverage and Reimbursement Policy **R414-53** Eyeglasses Services

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30776

FILED: 11/30/2007, 09:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In accordance with appropriations authorized during the 2007 General Session of the Utah Legislature (H.B. 150), this amendment is necessary to restore adult vision care services to Medicaid clients. (DAR NOTE: H.B. 150 (2007) is found at Chapter 371, Laws of Utah 2007, and was effective 07/01/2007.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes language that excludes nonpregnant adults ages 21 and older from eyeglasses services. It also adds a \$3 copayment to Medicaid recipients for each pair of eyeglasses they receive. (DAR NOTE: A companion filing for Rule R414-52, Optometry Services, is under DAR No. 30775 in this issue, December 15, 2007, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3, and 42 CFR 440.60 and 440.120(d)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is an anticipated cost of \$174,000 to the general fund and \$431,400 in federal funds.

❖ LOCAL GOVERNMENTS: There is no budget impact because local governments do not fund eyeglasses services and they are not Medicaid providers.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Eyeglasses providers and small businesses receive an annual increase in revenue of approximately \$605,400. There is, however, a total cost of \$18,600 to Medicaid clients who make a \$3 copayment for each pair of eyeglasses they receive.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is a \$3 compliance cost per recipient based on the estimate of one visit per year by a single client. In addition, there are

compliance costs to eyeglasses providers who are unable or choose not to collect payments from recipients; however, the amount is variable for each provider.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Adult vision care with a small copayment restored as a Medicaid benefit will have a positive impact on business. David N. Sundwall, MD, Executive Director

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 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-53. Eyeglasses Services.

R414-53-3. Client Eligibility Requirements.

Eyeglasses are available to categorically and medically needy individuals [~~except for non-pregnant adult recipients ages 21 and older~~].

R414-53-5. Reimbursement.

(1) The Department pays for lenses and standard frames on a fee-for-service basis, based on CPT codes as described in the State Plan, Attachment 4.19-B. A \$3 copayment for each pair of eyeglasses is applied to Medicaid recipients who fall under the copayment requirement.

(2) The Department pays the lower of the amount billed or the rate on the schedule. A provider shall not charge the Department a fee that exceeds the provider's usual and customary charges for the provider's private-pay patients.

(3) Fee schedules were initially established after consultation with provider representatives. Adjustments to the schedule are made in accordance with appropriations and to produce efficient and effective services.

KEY: Medicaid, eyeglasses

Date of Enactment or Last Substantive Amendment: [July 1, 2006]2008

Notice of Continuation: June 6, 2003

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

◆ ————— ◆

Health, Health Systems Improvement, Emergency Medical Services **R426-6** Emergency Medical Services Competitive Grants Program Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30758

FILED: 11/27/2007, 06:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Grants Subcommittee and the Emergency Medical Services (EMS) Committee proposed these changes to provide more flexibility in the awarding of competitive grants as funding levels change and to meet particular system-wide needs as they arise. One amendment is necessary to clarify that grants are available to entities that are not licensed or designated only if the funds will be used for training necessary to become licensed or designated. The high school training program provisions need to be removed from the rule because the funding of this program is not by competitive grant.

SUMMARY OF THE RULE OR CHANGE: The changes clarify who is eligible for competitive grant funds. The requirement for a 50% match for competitive funds is eliminated in favor of annual guidelines that match the available funding. The high school training program is deleted from the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8a-207

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The changes impose no additional duties on state government and do not relieve state government from any responsibilities. Therefore, there will be no cost to the state budget.

❖ **LOCAL GOVERNMENTS:** There may be a minor aggregate cost to local governments because some nonprofit entities may obtain funding under the program for training prior to becoming licensed or designated EMS providers. The department anticipates that the impact will be minor and that the amount and frequency of the funding to nonprofit entities will be small.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There may be some benefit to nonprofit entities that are seeking to become licensed or designated EMS providers, but the amount and frequency are uncertain and are likely to be small.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because the competitive grants are monies provided to EMS providers through the Criminal Fines and Forfeitures and given to providers. The rule imposes no additional application requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The added flexibility in the awarding of competitive grants as funding levels change and to meet particular system wide needs as they arise will benefit business. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
EMERGENCY MEDICAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at 801-538-6292, by FAX at 801-538-6808, or by Internet E-mail at lesliejohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-6. Emergency Medical Services Competitive Grants Program Rules.

R426-6-3. Eligibility.

(1) Competitive grants are available for use specifically related to the provision of emergency medical services.

(2) Grantees must be in compliance with the EMS Systems Act and all EMS rules during the grant period.

(3) Only the following entities are eligible for competitive grant funds:

- (a) licensed EMS agencies;
- (b) designated EMS agencies; and
- (c) political subdivisions of Utah state or local governments that are seeking grants to provide for initial training to become licensed or designated EMS agencies; and
- (d) non-profit entities that are seeking grants to provide for initial training to become licensed or designated EMS agencies.

(4) An applicant that is six months or more in arrears in payments owed to the Department is ineligible for competitive grant consideration.

R426-6-5. Competitive Grant Process.

(1) The Grant Program Guidelines, outlining the review schedule, funding amounts, eligible expenditures, and awards schedule shall be established annually by the EMS Committee.

(2) The department may accept only complete applications which are submitted by the deadlines established by the EMS Committee.

(3) It is the intent of the EMS Committee that there be local EMS council or committee review and prioritization of grant applications. Therefore, copies of grant applications shall be provided by grant applicants to their respective county EMS councils or committees and the multi-county EMS councils or committees, where organized, for a period of at least 30 days for review and prioritization before consideration by the State Grants subcommittee. State reviews may not be conducted for grant proposals which have not been first submitted to the county or the multi-county EMS councils or committees.

(4) Agencies that are licensed or designated, whose EMS service area includes multiple local EMS Committee jurisdictions will be reviewed separately by the State Grants Subcommittee.

(5) The Grants Subcommittee shall review the competitive grant applications and forward its recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Subcommittee recommendations and forward to the Department.

(6) Grant recipients shall provide matching funds in the amount ~~[of 50% of total approved expenditures or a greater amount as annually set forth in the Grant Guidelines]~~ specified in the Grant Program Guidelines.

(7) The Grants Subcommittee may recommend reducing or waiving the matching fund requirements where appropriate in order to respond to special or pressing local or state EMS problems.

(8) The Grants Subcommittee shall make recommendations based upon the following criteria:

- (a) the impact on patient care;
- (b) a description of the size and significant impediments of the geographic service area;
- (c) the population demographics of the service area;
- (d) the urgency of the need;
- (e) call volume;
- (f) the per capita grant allocated to each agency, and its relative benefit on the agency to provide EMS service;
- (g) local county prioritization;
- (h) a description of the agency; and
- (i) percent of responses to non-residents of the service area.

(9) Applications requesting grant award extensions past June 30, must be made to the department by May 30 of the grant year. Requests made after that time will not be accepted. Grants extensions may only be given for unforeseen circumstances.

(10) The Department may withhold payment of grant funds to a grantee that is six months or more in arrears in payments owed to the Department until the overdue payments are paid in full.

~~R426-6-6. High School Training Program Grant.~~

~~(1) The department shall provide a grant by contract with a single non-profit entity for the purpose of teaching the "What To Do Until the Ambulance Arrives" program or a similar program to Utah high school students. Any change to the curriculum of the program~~

~~must be approved by the Department and the Utah State Board of Education. These programs are limited to Utah high schools for Utah high school students.~~

~~(2) The contract will be effective from July 1 through June 30. Contract awards may not be extended or amended.~~

]

R426-6-~~7~~6. Interim or Emergency Grant Awards.

(1) The Grants Review Subcommittee may recommend interim or emergency grants if all the following are met:

- (a) Grant funds are available;
- (b) The applicant clearly demonstrates the need;
- (c) The application was not rejected by the Grants Review Subcommittee during the current grant cycle; and
- (d) Delay of funding to the next scheduled grant cycle would impair the agency's ability to provide EMS care.

(2) Applicants for interim or emergency grants shall:

- (a) submit an interim/emergency grant application, following the same format as annual grant applications; and
- (b) submit the interim/emergency grant application to the Department at least 30 days prior to the EMS Committee meeting at which the grant application will be reviewed.

(3) The Grants Review Subcommittee shall review the interim/emergency grant application and forward recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Review Subcommittee recommendations and forward to the Department.

KEY: emergency medical services

Date of Enactment or Last Substantive Amendment: ~~January 17, 2001~~**2008**

Notice of Continuation: October 31, 2007

Authorizing, and Implemented or Interpreted Law: 26-8a



**Human Resource Management,
Administration
R477-8-5
Overtime**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 30778
FILED: 11/30/2007, 11:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule change is the result of a settlement agreement between the State of Utah and the Department of Labor (DOL). The basis for the rule change is rooted in the Fair Labor Standards Act (FLSA). The settlement agreement calls for immediate changes in the Department of Human Resource Management's (DHRM) rule regarding the enforcement of overtime provisions in accordance with FLSA.

SUMMARY OF THE RULE OR CHANGE: The rule will add language indicating that nonexempt employees will accurately reflect hours actually worked and that supervisors who knowingly approve inaccurate time sheets will be subject to disciplinary

action. Added language will also provide for an avenue of complaint for employees who believe they have not been properly compensated. (DAR NOTE: A corresponding 120-day (emergency) rule that was effective as of 10/03/2007 was published in the November 1, 2007, issue of the Bulletin (2007-21, pg. 75) under DAR No. 30524.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 29 CFR Part 778, Subpart B, 778.100 through 778.106; and Section 67-19-6.7

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This represents a significant change to state policy on the recording of overtime work by employees and the responsibility of managers. The DOL mandates that employees and managers need to be notified. There will be some cost associated with preparing e-mails or orientations that agencies wish to use to notify their employees.
- ❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This rule only affects the executive branch of state government and will have no impact on other persons or businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.

R477-8. Working Conditions.

R477-8-5. Overtime.

The state's policy for overtime is adopted and incorporated from the Fair Labor Standards Act, 29 CFR Parts 500 to 899(2002) and Section 67-19-6.7.

(1) Management may direct an employee to work overtime. Each agency shall develop internal rules and procedures to ensure overtime usage is efficient and economical. These policies and procedures shall include:

- (a) prior supervisory approval for all overtime worked;
- (b) recordkeeping guidelines for all overtime worked;
- (c) verification that there are sufficient funds in the budget to compensate for overtime worked.

(2) Overtime compensation standards are identified for each job title in HRE as either FLSA nonexempt, or FLSA exempt.

(a) An employee may appeal the FLSA designation to the agency human resource office and DHRM concurrently. Further appeals must be filed directly with the United States Department of Labor, Wage and Hour Division. The provisions of Sections 67-19-31, 67-19a-301 and Title 63, Chapter 46b shall not apply for FLSA appeals purposes.

(3) An FLSA nonexempt employee may not work more than 40 hours a week without management approval. Overtime shall accrue when the employee actually works more than 40 hours a week. Leave and holiday time taken within the work period shall not count as hours worked when calculating overtime accrual. Hours worked over two or more weeks shall not be averaged with the exception of certain types of law enforcement, fire protection, and correctional employees.

(a) An FLSA nonexempt employee shall sign a prior overtime agreement authorizing management to compensate the employee for overtime worked by actual payment or time off at time and one half.

(b) An FLSA nonexempt employee may receive compensatory time for overtime up to a maximum of 80 hours. Only with prior approval of the Executive Director, DHRM, may compensatory time accrue up to 240 hours for regular employees or up to 480 hours for peace or correctional officers, emergency or seasonal employees. Once an employee reaches the maximum, additional overtime shall be paid on the payday for the period in which it was earned.

(4) An FLSA exempt employee may not work more than 80 hours in a pay period without management approval. Compensatory time shall accrue when the employee actually works more than 80 hours in a work period. Leave and holiday time taken within the work period may not count as hours worked when calculating compensatory time. Each agency shall compensate an FLSA exempt employee who works overtime by granting time off. For each hour of overtime worked, an FLSA exempt employee shall accrue an hour of compensatory time.

(a) Agencies shall establish in written policy a uniform overtime year either for the agency as a whole or by division and communicate it to employees. If an agency fails to establish a uniform overtime year, the Executive Director, DHRM, and the Director of Finance, Department of Administrative Services, will determine the date for the agency at the end of one of the following pay periods: Five, Ten, Fifteen, Twenty, or the last pay period of the calendar year. An agency may change the established overtime year only after the current

overtime year has lapsed, unless justifiable reasons exist and the Executive Director, DHRM, has granted a written exception.

(b) Any compensatory time earned by an FLSA exempt employee is not an entitlement, a benefit, nor a vested right.

(c) Any compensatory time earned by an FLSA exempt employee shall lapse upon occurrence of any one of the following events:

- (i) at the end of the employee's established overtime year;
- (ii) when an employee transfers to another agency; or
- (iii) when an employee terminates, retires, or otherwise does not return to work before the end of the overtime year.

(d) If an FLSA exempt employee's status changes to nonexempt, that employee's compensatory time earned while in exempt status shall lapse if not used by the end of the current overtime year.

(e) The agency head may approve overtime for career service exempt deputy and division directors, but overtime shall not be compensated with actual payment. Schedule AB employees shall not be compensated for compensatory time except with time off.

(5) Law enforcement, correctional and fire protection employees

(a) To be considered for overtime compensation under this rule, a law enforcement or correctional officer must meet the following criteria:

- (i) be a uniformed or plainclothes sworn officer;
- (ii) be empowered by statute or local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accident or willful injury, and to prevent and detect crimes;
- (iii) have the power to arrest;
- (iv) be POST certified or scheduled for POST training; and
- (v) perform over 80 percent law enforcement duties.

(b) Agencies shall select one of the following maximum work hour thresholds to determine when overtime compensation is granted to law enforcement or correctional officers designated FLSA nonexempt and covered under this rule.

- (i) 171 hours in a work period of 28 consecutive days; or
- (ii) 86 hours in a work period of 14 consecutive days.

(c) Agencies shall select one of the following maximum work hour thresholds to determine when overtime compensation is granted to fire protection employees.

- (i) 212 hours in a work period of 28 consecutive days; or
- (ii) 106 hours in a work period of 14 consecutive days.

(d) Agencies may designate a lesser threshold in a 14 day or 28 day consecutive work period as long as it conforms to the following:

- (i) the Fair Labor Standards Act, Section 207(k);
- (ii) 29 CFR 553.230;
- (iii) the state's payroll period;
- (iv) the approval of the Executive Director, DHRM.

(6) Compensatory Time

(a) Agency management shall arrange for an employee's use of compensatory time as soon as possible without unduly disrupting agency operations or endangering public health, safety or property.

(b) Compensatory time balances for an FLSA nonexempt employee shall be paid down to zero in the same pay period that the employee is transferred from one agency to a different agency, promoted, reclassified, reassigned, or transferred to an FLSA exempt position. The pay down for unused compensatory time balances shall be based on the employee's hourly rate of pay in the old position.

(7) Time Reporting

(a) An FLSA nonexempt employee must complete and sign a state approved biweekly time record that accurately reflects the hours actually worked, including: ~~Time records developed by the agency shall have the same elements of the state approved time record and be~~

~~approved by the Department of Administrative Services, Division of Finance.]~~

- ~~(i) approved and unapproved overtime;~~
 - ~~(ii) on-call time;~~
 - ~~(iii) stand-by time;~~
 - ~~(iv) meal periods of public safety and correctional officers who are on duty more than 24 consecutive hours; and~~
 - ~~(v) approved leave time.~~
- ~~(b) An employee who fails to accurately record time shall be disciplined.~~
- ~~(c) Time records developed by the agency shall have the same elements of the state approved time record and be approved by the Department of Administrative Services, Division of Finance.~~

~~(d) An FLSA exempt employee who works more than 80 hours in a work period must record the total hours worked and the compensatory time used on a biweekly time record. All hours must be recorded in order to claim overtime. Completion of the time record is at agency discretion when no overtime is worked during the work period.~~

~~(e) A Supervisor who directs an employee to submit an inaccurate time record or knowingly approves an inaccurate time record shall be disciplined.~~

~~(f) A Non-exempt employee who believes FLSA rights have been violated may submit a complaint directly to the Executive Director, or designee, of the Department of Human Resource Management.~~

(8) Hours Worked: An FLSA nonexempt employee shall be compensated for all hours worked. An employee who works unauthorized overtime may be ~~[subject to disciplinary action]~~disciplined.

(a) All time that an FLSA nonexempt employee is required to wait for an assignment while on duty, before reporting to duty, or before performing activities is counted towards hours worked.

(b) Time spent waiting after being relieved from duty is not counted as hours worked if one or more of the following conditions apply:

- (i) the employee arrives voluntarily before their scheduled shift and waits before starting duties;
- (ii) the employee is completely relieved from duty and allowed to leave the job;
- (iii) the employee is relieved until a definite specified time;
- (iv) the relief period is long enough for the employee to use as the employee sees fit.

(c) On-call time: An employee required by agency management to be available for on-call work shall be compensated for on-call time at a rate of one hour for every 12 hours the employee is on-call.

(i) Time is considered on-call time when the employee has freedom of movement in personal matters as long as the employee is available for call to duty.

(ii) An employee must be directed by his supervisor, either verbally or in writing, that he is on call for a specified time period. Carrying a beeper or cell phone shall not constitute on-call time without a specific directive from a supervisor.

(iii) The employee shall record the hours spent in on-call status on his time sheet in order to be paid.

(d) Stand-by time: An employee restricted to stand-by at a specified location ready for work must be paid full-time or overtime, as appropriate. An employee must be paid for stand-by time if required to stand by the post ready for duty, even during lunch periods, equipment breakdowns, or other temporary work shutdowns.

(e) The meal periods of guards, police, and other public safety or correctional officers and firefighters who are on duty more than 24 consecutive hours must be counted as working time, unless an express agreement excludes the time.

(9) Commuting and Travel Time for FLSA exempt and nonexempt employees:

(a) Normal commuting time from home to work and back shall not count towards hours worked.

(b) Time an employee spends traveling from one job site to another during the normal work schedule shall count towards hours worked.

(c) Time an employee spends traveling on a special one day assignment shall count towards hours worked except meal time and ordinary home to work travel.

(d) Travel that keeps an employee away from home overnight does not count towards hours worked if it is time spent outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

(e) Travel as a passenger counts toward hours worked if it is time spent during regular working hours. This applies to nonworking days, as well as regular working days. However, regular meal period time is not counted.

(10) Excess Hours for FLSA exempt and nonexempt employees: An employee may use excess hours the same way as annual leave.

(a) Agency management shall approve excess hours before the work is performed.

(b) Agency management may deny the use of any leave time, other than holiday leave, that results in an employee accruing excess hours.

(c) An employee may not accumulate more than 80 excess hours.

(d) Agency management may pay out excess hours under one of the following:

- (i) paid off automatically in the same pay period accrued;
- (ii) paid off at any time during the year as determined appropriate by a state agency or division;
- (iii) all hours accrued above the limit set by DHRM; or
- (iv) upon request of the employee and approval by the agency head.

KEY: breaks, telecommuting, overtime, dual employment
Date of Enactment or Last Substantive Amendment: ~~July 1, 2007~~January 21, 2008

Notice of Continuation: June 9, 2007

Authorizing, and Implemented or Interpreted Law: 67-19-6; 67-19-6.7; 20A-3-103



Human Services, Administration

R495-861

Requirements for Local Discretionary Social Services Block Grant Funds

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30773

FILED: 11/29/2007, 14:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to bring it up to standard format by adding a section with the authority and purpose.

SUMMARY OF THE RULE OR CHANGE: The amendment adds a section that includes a statement of the authority and purpose of the rule in order to conform to the standardized format for administrative rules.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62-A-1-111 and 62-A-1-114

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This will not impact the state budget because it is only an improvement in the format of the rule.
- ❖ LOCAL GOVERNMENTS: This will not impact the cost or savings to local governments because it is only an improvement in the format of the rule.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This will not impact the cost or savings to small businesses and persons other than businesses because it is only an improvement in the format of the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are not any compliance costs to affected persons because it is only an improvement in the format of the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will not be a fiscal impact on businesses because it is only an improvement in the format of the rule. Lisa-Michele Church, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

L Ray Winger at the above address, by phone at 801-538-4319, by FAX at 801-538-4424, or by Internet E-mail at raywinger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: Lisa-Michele Church, Executive Director

R495. Human Services, Administration.**R495-861. Requirements for Local Discretionary Social Services Block Grant Funds.****R495-861-1. Authority and Purpose.**

A. The Department of Human Services is authorized to create rules necessary for the provision of social services by Section 62A-1-111.

B. The purpose of this rule is to specify the allocation of the Local Discretionary Social Services Block Grant Funds.

R495-861-2. Requirements for Local Discretionary Social Services Block Grant Funds.

A. Social Services Block Grant funds allocated to local governments by the Legislature are contracted to either counties or associations of government. These funds must be used to provide services to eligible persons as described in the Utah State Social Services Block Grant Plan. The following agencies receive local discretionary social services block grant funds: Bear River Association of Governments, Weber/Morgan Counties, Davis County, Salt Lake County, Tooele County, Mountainlands Association of Governments, Six County Association of Governments, Five County Association of Governments, Uintah Basin Association of Governments, Southeastern Utah Association of Governments, and San Juan County.

B. Social Services Block Grant funds shall be allocated to local governments based on the following formula:

1. Each area with less than 15,000 population will receive a base of \$54,000.00.
2. Each area with less than 150,000 population will receive a base of \$34,000.00.
3. The remainder of the money will be allocated based on the percentage each areas' population is of the state population.

C. Each local government shall be required to provide a 25 percent match for Discretionary Social Services Block Grant funds.

KEY: social services, match requirement[≠]

Date of Enactment or Last Substantive Amendment: [~~1994~~2008]

Notice of Continuation: December 23, 2002

Authorizing, and Implemented or Interpreted Law: 62A-1-114

**Natural Resources, Wildlife Resources****R657-12****Hunting and Fishing Accommodations
for Disabled People****NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 30777

FILED: 11/30/2007, 09:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Provisions are being amended to this rule to allow increased hunting opportunities for disabled hunters, by adding the use of a draw-lock and telescopic sights.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to include the use of draw-locks on conventional archery equipment and telescopic sights on muzzleloaders, bows and crossbows for qualifying disabled hunters. Definitions for "draw-locks" and "telescopic sights" have been added for clarification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18, 23-19-1, 23-19-36, 23-20-12, and 63-46a-3

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This amendment allows more accommodations or opportunity for disabled people to participate in small and big game hunting, and makes clarification. The Division of Wildlife Resources (DWR) has determined that this amendment does not create a cost or savings impact to DWR's budget or the state budget.

❖ LOCAL GOVERNMENTS: This amendment allows more accommodations or opportunity for disabled people to participate in small and big game hunting, and makes clarification. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This amendment allows more accommodations or opportunity for disabled people to participate in small and big game hunting, and makes clarification. The amendment does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment allows more accommodations or opportunity for disabled people to participate in small and big game hunting, and makes clarifications. There are not any additional compliance costs associated with this amendment.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Staci Coons at the above address, by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: James F Karpowitz, Director

**R657. Natural Resources, Wildlife Resources.
R657-12. Hunting and Fishing Accommodations for People With Disabilities.**

R657-12-1. Purpose and Authority.

Under authority of Sections 23-14-18, 23-19-1, 23-19-36, 23-20-12 and 63-46a-3, this rule provides the standards and procedures for a person with disabilities to:

- (1) obtain a certificate of registration for taking wildlife from a vehicle;
- (2) obtain a fishing license as authorized under Section 23-19-36(1);
- (3) obtain a certificate of registration to participate in companion hunting;
- (4) obtain a certificate of registration to receive a limited entry season extension;
- (5) obtain a certificate of registration to receive a general deer or elk season extension; ~~[-or]~~
- (6) obtain a certificate of registration to hunt with a crossbow or draw-lock; or
- (7) obtain a certificate of registration to use telescopic sights on a weapon when otherwise prohibited.

R657-12-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
 - (a) "Blind" means the person:
 - (i) has no more than 20/200 visual acuity in the better eye when corrected; or
 - (ii) has, in the case of better than 20/200 central vision, a restriction of the field of vision in the better eye which subtends an angle of the field of vision no greater than 20 degrees.
 - (b) "Crutch" means any mobility aid or assistive technology device, including a cane, crutch, walker, long or short braces, or other prosthetic or orthotic device which aids in mobility.
 - (c) "Draw-lock" means a mechanical device used to hold and support the draw weight of a conventional or compound bow at any increment of draw until released by the archer using a trigger mechanism attached to the device.
 - ~~____~~ ~~[(e)]~~ (d) "Loss of either or both lower extremities" means the permanent loss of use or the physical loss of one or both legs or a part of either or both legs which materially impedes a person's mobility.
 - ~~____~~ (e) "Telescopic sights" means an optical or electronic sighting system that magnifies the natural field of vision beyond 1X and is used to aim a firearm, bow or crossbow.
 - ~~____~~ ~~[(f)]~~ (f) "Upper extremity disabled" means a person who has a permanent physical impairment due to injury or disease, congenital or acquired, which renders the person so severely disabled as to be physically unable to use a legal hunting weapon or fishing device.

R657-12-8. Crossbows and Draw-Locks.

- (1)(a) A person who has a permanent physical impairment due to injury or disease, congenital or acquired, which renders the person so severely disabled as to be unable to use conventional archery equipment may receive a certificate of registration to use a crossbow

or draw-lock to hunt big game, cougar, bear, turkey, waterfowl or small game during the respective archery or any weapon hunting seasons as provided in the applicable proclamations of the Wildlife Board for taking protected wildlife.

(b) The division shall accept the following as evidence of eligibility to use a crossbow or draw-lock:

(i) obvious physical disability, as provided in Subsection (1)(a), demonstrating the applicant is eligible to use a crossbow or draw-lock; or

(ii) provides a physician's statement confirming the disability as defined in Subsection (1)(a).

(2)(a) Any crossbow used to hunt big game, cougar, bear, turkey, waterfowl or small game must have:

(i) a stock that is at least 18 inches long;

(ii) a minimum draw weight of 125 pounds for big game, bear and cougar, or 60 pounds for turkey, waterfowl and small game;

(iii) a draw length that is at least 18 inches from the front of the crossbow to the back of the string in a cocked position; and

(iv) a positive safety mechanism.

(b) Arrows or bolts used must be:

(i) at least 18 inches long; and

(ii) must have a broadhead with two or more sharp cutting edges that cannot pass through a 7/8 inch ring for big game, cougar, bear or turkey.

(3) The following equipment or devices may not be used:

(a) arrows with chemically treated or explosive arrowheads; [ø]

(b) a bow with an attached electronic range finding device; or [a magnifying aiming device]

(c) a bow with an attached telescopic sight, except as provided in R657-12-9.

(4) Arrows or bolts carried in or on a vehicle where a person is riding must be in an arrow quiver or a closed case.

(5) A drawn and cocked crossbow or bow with a draw-lock may not be carried in or on a vehicle.

(6) Conventional bows equipped with a draw-lock and used to hunt big game must conform with the minimum draw weights, and arrow and broadhead restrictions contained in R657-5.

R657-12-9. Telescopic Sights.

(1) A person who has a permanent vision impairment leaving them with worse than 20/40 corrected visual acuity in the better eye may receive a Certificate of Registration to use telescopic sights; if in the professional opinion of the eye care provider telescopic sights will sufficiently mitigate the effects of the disability to enable the person to:

(a) adequately discern between lawful and unlawful wildlife species and species genders; and

(b) safely discharge a firearm or bow in the field.

(2) A person with a qualified vision impairment may obtain a Certificate of Registration from the Division to use telescopic sights by submitting a signed statement by a licensed ophthalmologist, optometrist or physician verifying that:

(a) the applicant has a permanent vision impairment resulting in worse than 20/40 corrected visual acuity in the better eye; and

(b) telescopic sights will sufficiently mitigate the effects of the vision impairment to enable the applicant to:

(i) adequately discern between lawful and unlawful wildlife species and species genders; and

(ii) safely discharge a firearm or bow in the field.

KEY: wildlife, wildlife law, disabled persons

Date of Enactment or last Substantive Amendment: [~~May 8, 2007~~2008]

Notice of Continuation: September 10, 2007

Authorizing, and Implemented or Interpreted Law: 23-20-12; 63-46a-3



Regents (Board Of), University of Utah, Parking and Transportation Services

R810-3

Visitor Parking

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 30727

FILED: 11/19/2007, 13:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Information in this rule is already included in Rule R810-1, therefore making this rule redundant.

SUMMARY OF THE RULE OR CHANGE: The repeal of this rule eliminates redundancy already contained in Rule R810-1. This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53B-3-103 and 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The repeal of this rule simply removes redundant information already stated in Rule R810-1 and does not affect the cost associated with the rule. There are no costs or savings.

❖ LOCAL GOVERNMENTS: The repeal of this rule simply removes redundant information already stated in Rule R810-1 and does not affect the cost associated with the rule. There are no costs or savings.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The repeal of this rule simply removes redundant information already stated in Rule R810-1 and does not affect the cost associated with the rule. There are no costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The repeal of this rule simply removes redundant information already stated in Rule R810-1 and does not affect the cost associated with the rule. There are no costs or savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule simply removes redundant information already stated in Rule R810-1 and does not affect the cost associated with the rule. There are no costs or savings. Alma Allred, Director

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
PARKING AND TRANSPORTATION SERVICES
Room 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY UT 84112-9350, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Patti Trulli Ibholt at the above address, by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@ucs.utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: Patti Trulli Ibholt, Associate Director

R810. Regents (Board of), University of Utah, Parking and Transportation Services.

~~**[R810-3. Visitor Parking.**~~

~~**R810-3-1. Definitions.**~~

- ~~1. Visitors are defined as any person other than a student, or a member of the faculty or staff of the University of Utah.~~
- ~~2. Visitors to the campus may park in pay lots and pay the appropriate fee, park at meters upon payment of the appropriate fee, or purchase and display a day pass.~~
- ~~3. It is a violation for any visitor to campus to park a vehicle contrary to the posted signs and published rules and regulations of the University.~~

~~**KEY: parking facilities**~~

~~**Date of Enactment or Last Substantive Amendment: 1992**~~

~~**Notice of Continuation: October 5, 2007**~~

~~**Authorizing, and Implemented or Interpreted Law: 53B-3-103; 53B-3-107]**~~



**Regents (Board Of), University of Utah,
Parking and Transportation Services**

R810-4

Registration Policies

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 30728
FILED: 11/20/2007, 10:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Some of the information in this rule is no longer a requirement. Other

information is already contained in Rule R810-5, therefore making this rule redundant.

SUMMARY OF THE RULE OR CHANGE: The repeal of this rule eliminates information that is no longer a requirement and eliminates redundancy already contained in Rule R810-5. This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53B-3-103 and 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The repeal of this rule simply removes information no longer required and redundant information and does not affect the cost associated with the rule. There are no costs or savings.

❖ LOCAL GOVERNMENTS: The repeal of this rule simply removes information no longer required and redundant information and does not affect the cost associated with the rule. There are no costs or savings.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The repeal of this rule simply removes information no longer required and redundant information and does not affect the cost associated with the rule. There are no costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The repeal of this rule simply removes information no longer required and redundant information and does not affect the cost associated with the rule. There are no costs or savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule simply removes information no longer required and redundant information and does not affect the cost associated with the rule. There are no costs or savings. Alma Allred, Director

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
PARKING AND TRANSPORTATION SERVICES
Room 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY UT 84112-9350, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Patti Trulli Ibholt at the above address, by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@ucs.utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: Patti Trulli Ibholt, Associate Director

R810. Regents (Board of), University of Utah, Parking and Transportation Services.

~~**[R810 4. Registration Policies.**~~

~~**R810 4 1. Registration Policies.**~~

- ~~— A. General procedures for vehicle registration:

 - ~~— 1. To obtain a University parking permit, applicants must present a completed registration form and the state vehicle registration card with the appropriate fee to Parking Services.~~
 - ~~— 2. Valid permits will be displayed from the rear view mirror or affixed to the windshield according to printed instructions on the back of the permit.~~~~
- ~~— B. An applicant who obtains a University permit shall not allow another person to purchase or use the permit. Qualified applicants may obtain only one employee permit.~~
- ~~— C. Any person who falsifies vehicle registration information, facts, or fees shall have his University parking privileges revoked at the discretion of Parking Services and will be subject to the published fines and penalties.~~
- ~~— D. Expired parking permits must be removed before displaying a new permit.~~

~~**KEY: parking facilities**~~

~~**Date of Enactment or Last Substantive Amendment: 1992**~~

~~**Notice of Continuation: October 5, 2007**~~

~~**Authorizing, and Implemented or Interpreted Law: 53B-3-103; 53B-3-107**~~



Regents (Board Of), University of Utah,
Parking and Transportation Services
R810-5
Permit Types, Eligibility and Designated
Parking Areas

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 30779
FILED: 11/30/2007, 13:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsequent to the five-year review and during the course of the review, it was determined the amendments needed to be made to update verbiage and eliminate excessive verbiage.

SUMMARY OF THE RULE OR CHANGE: The rule is staying the same but the excessive verbiage has been eliminated and any outdated verbiage has been updated.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53B-3-103 and 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: As the rule amendment simply changes outdated verbiage and eliminates excessive verbiage, but not the cost associated with each action, there are no cost or savings.

- ❖ LOCAL GOVERNMENTS: As the rule amendment simply changes outdated verbiage and eliminates excessive verbiage, but not the cost associated with each action, there are no cost or savings.

- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: As the rule amendment simply changes outdated verbiage and eliminates excessive verbiage, but not the cost associated with each action, there are no cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As the rule amendment simply changes outdated verbiage and eliminates excessive verbiage, but not the cost associated with each action, there are no cost or savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As the rule amendment simply changes outdated verbiage and eliminates excessive verbiage, but not the cost associated with each action, there are no cost or savings. Alma Allred, Director

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
PARKING AND TRANSPORTATION SERVICES
Room 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY UT 84112-9350, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Patti Trulli Ibholtm at the above address, by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@ucs.utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: Patti Trulli Ibholtm, Associate Director

R810. Regents (Board of), University of Utah, Parking and Transportation Services.

R810-5. Permit Types, Eligibility and Designated Parking Areas.

R810-5-1. Parking Permits and Permit Parking Areas.

~~[A vehicle may be parked only in a vacant space in a parking lot for which the displayed permit shows eligibility. Possession of a parking permit does not guarantee space in a specific parking lot except for permits which provide for reserved stalls. Permit fees cover the period designated on the permit. Display of a current University parking permit allows free parking in non-reserved areas for University sponsored special events and athletic events during the permit year.]~~Except for pay lots, parking meters, short term loading areas and parking reserved for clinical patients, all faculty, staff, students, visitors and vendors must purchase and display a current University of Utah parking permit.

~~Ownership of University parking permits is non-transferable.~~

~~All permit parking areas are designated by signage at the lot's entrance, [marked by signs indicating which permits are valid in that area.] Parking is subject to change without notice.~~

R810-5-2. [Utah Residents] Permit Classifications.

~~[Permit classifications, e] Eligibility and designated parking areas are as follows:~~

~~A. Faculty and Staff Permits. Only one permit shall be available to each qualified faculty or staff member. The permit holder may park in any faculty/staff or student parking area. Persons eligible are:~~

~~1. All full time salaried personnel, 75 percent full time equivalent.~~

~~2. Faculty approved by the academic vice president.~~

~~3. Other personnel as designated by the University administration. [Car Pool Permit. Three or more faculty, staff or enrolled students can form a car pool group. To qualify for a car pool "A" permit, all members must be eligible faculty and staff. All other car pool groups will be issued "U" permit parking. Each car pool vehicle shall display a window permit, and the car pool group receives one transferable permit that must be displayed from the rear view mirror of the vehicle parked on campus. An additional member may be added to the pool at any time. No rebates or proration of charges will be given to individuals who withdraw from the pool.]~~

~~B. Health Science Center Faculty and Staff Permits. Only one permit shall be available to each qualified faculty or staff member. The permit holder may park in the designated parking garage or other surface faculty/staff or student lot. Persons eligible are the same as R810-5-2A.1, 2 and 3 as listed above. ["U" Permit. This permit is issued to students, faculty and staff. The number of "U" permits sold may be restricted by Parking Services when necessary. The holder may park in "U" or "E" lots.]~~

~~C. Reserved Permits. Issued to full time faculty and staff who lease one specific space. The permit holder may also park in any faculty/staff or student parking area except the Health Science Center parking garages. Unauthorized vehicles in reserved stalls may be impounded without notification. A reserved stall permit holder may not park in another permitted area on campus if another vehicle occupies the reserved space. ["A" Permit. Only one permit shall be available to each qualified faculty or staff member. The "A" permit holder may park in "A," "U," or "E" lots. Persons eligible are:~~

~~1. All full time salaried personnel, 75 percent full time equivalent.~~

~~2. Faculty approved by the academic vice president.~~

~~3. Other personnel as designated by the University administration.]~~

~~D. Student Permits. Issued to students, faculty and staff. The permit holder may park in the designated student parking lots. ["Temporary" Permit. This permit is issued by Parking Services for periods exceeding one day and is valid in "U" areas for students and "A" and "U" areas for qualified faculty, staff and visitors. It is not valid on vehicles displaying another current University parking permit.]~~

~~E. Disabled Permits. Issued to qualified drivers with disabilities. Applicants must qualify under state statutes that govern parking for the disabled. Persons bringing individuals with disabilities to campus are not entitled to disabled parking privileges. ["S" Permit. This permit is issued to residence halls residents with the hall in which they live designated on the permit.~~

~~F. "Day Pass." This pass is valid for one day only and must be clearly dated in ink. It is not valid on vehicles displaying another current University parking permit. This permit allows parking in "A" or "U" lots as designated.~~

~~— Fines for displaying an altered permit, shall be the same for a fraudulent permit.~~

~~— G. "M" Permit. This permit is issued for motorcycles, mopeds, motorscooters and motorbikes. The permit must be prominently displayed near the license plate.~~

~~— H. "D" Permit. This permit is issued to qualified drivers with disabilities. Applicants must qualify under state statutes which govern parking for the disabled. "D" permits allow parking in designated spaces, and in adjacent areas.~~

~~— Persons bringing individuals with disabilities to campus are not entitled to "D" parking privileges.~~

~~— I. Reserved Permit. Reserved stall permits are issued to full time faculty and staff members who lease one specific space. Unauthorized vehicles in reserved stalls may be impounded without notification. Upon purchase of a permit, all other valid permits must be surrendered.~~

~~— J. "X" Permit. This permit is issued to members of the Board of Regents, the Board of Trustees and the Governor. The vehicle may be parked in any "A," or "U" area.~~

~~— K. "E" Permit. This permit is issued to students, faculty, and staff. Holders of this permit may park in "E" lots only.~~

~~— L. "Quarterly" Permit. This permit is issued for one academic quarter only and is valid in those areas for which it was issued. The price of this permit may be used toward the purchase of an annual permit if surrendered on or before the expiration date on the permit.]~~

~~Other permits may be issued from time to time by University Commuter [Parking] Services to control parking areas.~~

KEY: parking facilities

Date of Enactment or Last Substantive Amendment: [1994]2008

Notice of Continuation: February 22, 2007

Authorizing, and Implemented or Interpreted Law: 53B-3-103; 53B-3-107



Tax Commission, Administration

R861-1A-43

Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30780

FILED: 11/30/2007, 13:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 52-4-207 provides that a public body must promulgate a rule in order to hold an electronic meeting.

SUMMARY OF THE RULE OR CHANGE: The proposed rule provides the conditions under which the commission may hold an electronic meeting.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 52-4-207

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The proposed rule provides the conditions under which the commission may hold an electronic meeting.
- ❖ LOCAL GOVERNMENTS: None--The proposed rule provides the conditions under which the commission may hold an electronic meeting.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The proposed rule provides the conditions under which the commission may hold an electronic meeting.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed rule provides the conditions under which the commission may hold an electronic meeting.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY UT 84134-0002, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R861. Tax Commission, Administration.**R861-1A. Administrative Procedures.****R861-1A-43. Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207.**

The commission may convene an electronic meeting if all of the following conditions are met:

- (1) the purpose of the meeting is to discuss a commission administrative rule;
- (2) two commissioners are present at a single anchor location;
and
- (3) the number of separate connections for commissioners who are not present at the anchor location is no more than two.

KEY: developmentally disabled, grievance procedures, taxation, disclosure requirements

Date of Enactment or Last Substantive Amendment: ~~September 24, 2007~~ 2008

Notice of Continuation: March 20, 2007

Authorizing, and Implemented or Interpreted Law: 52-4-207

◆ ————— ◆

Transportation, Motor Carrier **R909-1-1** Adoption of Federal Regulations

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30783

FILED: 11/30/2007, 15:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment incorporates by reference Safety Regulations for Motor Carriers and adopts previously exempted Hours of Service requirements and exemptions for agricultural, ground water well drilling, and construction material operations.

SUMMARY OF THE RULE OR CHANGE: The purpose of this rule amendment is to incorporate by reference Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 399 and Part 40, as contained in the October 1, 2007, Code of Federal Regulations (CFR). In addition, this rule amendment adopts 49 CFR Parts 395.1(k), Agricultural Operations; 395.1(l), Ground Water Well Drilling Operations; and 395.1(m), Construction Materials and Equipment regulations previously exempted and will make the state uniform with the federal Motor Carrier Safety Regulations.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-9-101, 72-9-103, 72-9-104, and 72-9-301

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Updates incorporation of 49 CFR Parts 350 through 399 and Part 40 (except for Parts 391.11(b)(1) and 391.49 which are not incorporated) to October 1, 2007, version

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--There is no fiscal impact on the state because this rule is directed to the Motor Carrier Industry and simply updates references to conform to federal law. There is no financial impact on the state activities or practices.
- ❖ LOCAL GOVERNMENTS: None--There is no fiscal impact on local government for the same reasons as listed in the "State budget" above. This rule applies to the Motor Carrier Industry in the private sector, not to local government activities.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There could be a savings to agricultural, ground water well drilling, and construction materials and equipment operations with adoption of these hours of service exemptions as they "may" not have to hire additional drivers that they had to previously to meet established hour of service requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule updates references to conform to federal law, but do not add any additional burdens to private industry.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Agricultural, ground water well drilling, and construction materials and equipment operations could possibly save money with the adoption of these hours of service exemptions as they may not have to hire additional drivers. Otherwise, there will be no effect on business. John R. Njord, Executive Director

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

TRANSPORTATION
MOTOR CARRIER
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Bruce Garner at the above address, by phone at 801-965-4168, by FAX at 801-965-4338, or by Internet E-mail at brucegarner@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.

R909-1. Safety Regulations for Motor Carriers.

R909-1-1. Adoption of Federal Regulations.

(1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 399 and Part 40, as contained in the October 1, 200[6] Code of Federal Regulations, is incorporated by reference, except for Parts 391.11(b)(1)[;], and 391.49[, 395.1(k), 395.1(l), and 395.1(m)]. These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5, excluding commercial motor vehicles which are designed or used to transport more than 8 and less than 15 passengers (including the driver) for compensation and UCA 72-9-102(2) engaged in commerce.

(2) Intrastate trucking operations in which the carriers operate double trailer combinations only are not required to comply with 49 CFR Part 380.203(a)(2).

(3) Exceptions to Part 391.41, Physical Qualification may be granted under the rules of Department of Public Safety, Driver's License Division, UCA 53-3-303.5 for intrastate drivers under R708-34.

(4) Drivers involved wholly in intrastate commerce shall be at least 18 years old. However, if they are transporting placarded amounts of hazardous materials or carrying 16 or more passengers, including the driver, they must be 21 years old.

KEY: trucks, transportation safety, implements of husbandry
Date of Enactment or Last Substantive Amendment: [February 8, 2007] 2008

Notice of Continuation: November 29, 2006

Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-9-104; 72-9-101; 72-9-301



Transportation, Motor Carrier **R909-19** Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operations and Certification

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30785

FILED: 11/30/2007, 15:23

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes to this rule are to clarify a previous amendment that became effective on 10/02/2001.

SUMMARY OF THE RULE OR CHANGE: Changes to this rule clarify the certification and training requirements deadline as outlined in the rule. The change extends the time frame for all tow truck motor carriers, equipment, and drivers, which have been deemed certified by the department, until 01/02/2002, instead of 11/15/2001. In addition, due to numerous comments, the \$45 maximum fee set for nonconsent impoundment of vehicles has been updated to reflect consistency with rates imposed on public nonconsent tows and surrounding states who regulate such tows. The previous amendment made effective on 10/02/2001, inadvertently used language that was confusing referring to the use of a restriction device. The language used could be construed to read that the device could not be used at all, which was not the intent. The language has been removed due to its ambiguity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-6-101, 41-6-102, 41-6-104, 53-1-106, 53-8-105, 63-38-3.2, 72-9-601, 72-9-602, 72-9-603, 72-9-604, 72-9-301, 72-9-303, 72-9-701, 72-9-702, and 72-9-703

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The cost is one full time equivalent (FTE) at an annual rate of \$35,000. Dedicated credit to be reimbursed by the cost of service.

❖ LOCAL GOVERNMENTS: This rule does not apply to local government. This rule does not extend to local government activities, but is limited to the private sector tow truck business. This rule is specifically directed to tow truck operators and businesses in Utah.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: INDUSTRY: (Based on estimate of 1,000 Tow Truck Motor Carriers with an average of three tow trucks and three drivers.) Carrier Certificate Fee: \$100 + Tow Truck Inspection Fee: \$150 (3 drivers x \$50) = \$250. 1,000 Carriers x \$250 = \$25,000. Driver certification fee: \$135 x 3,000 (drivers) = \$40,500. Total cost to industry = \$65,000 (bi-annually).

COMPLIANCE COSTS FOR AFFECTED PERSONS: Certification costs (bi-annually): \$100 per carrier. \$50 per tow truck, \$135 (average per driver).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The increase in fees for nonconsent tows (light vehicles only) is justified due to the general increase in fuel costs over the last several months. John R. Njord, Executive Director

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

TRANSPORTATION
MOTOR CARRIER
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Bruce Garner at the above address, by phone at 801-965-4168, by FAX at 801-965-4338, or by Internet E-mail at brucegarner@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.

R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification. R909-19-3. Definitions.

(1) "Consent Tow" means any tow truck service that is done at the vehicle, vessel, or outboard motor owner's, or it's legal operator's, knowledge and/or approved.

(2) "Department" means the Utah Department of Transportation.

(3) "Division" means the Motor Carrier Division.

(4) "Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GVCR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

(5) "Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(6) "Non-Consent Police Generated Tow" means tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102.

(7) "Non-consent Non Police Generated Tow" means towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle from private property. The tow truck service must be from private property, at the request of the property landowner or agent for the landowner.

(8) "Personal Property" means articles associated with a person, as property having more or less intimate relation to person, including clothing, medicine, tools, home/family etc. Items not considered as personal property are considered to be the original manufactured equipment, and/or attached property to the vehicle, including tires, rims, vehicle-stereos, speakers, or CD changers and will remain in the vehicle.

(~~8~~) "Recovery Operation" means a towing service that may require charges in addition to the normal one-truck/one-driver towing service requirements. The additional charges may include charges for manpower, extra equipment, traffic control, and special recovery equipment and supplies.

(~~9~~) "Tow Truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, repossessed or impounded vehicles from highway or other place by means of a crane, hoist, tow bar, tow line, dolly tilt bed, or other similar means of vehicle transfer without its own power or control.

(~~10~~) "Tow Truck Certification Program" means a program to authorize and approve tow truck motor carrier owners, operators, and vehicles is the process by which the Department, acting under Section 72-9-602, Utah Code, shall verify compliance with the State and Federal Motor Carriers Safety Regulations.

(~~11~~) "Tow Truck Motor Carrier" means any company that provides for-hire, private, salvage, or repo towing services. It includes the company's agents, officers, and representatives as well as employees responsible for hiring, training, supervisory, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of equipment and/or accessories.

(~~12~~) "Tow Truck Service" means the functions and any ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place by means of a tow truck.

(a) Tow Truck Service, with regards to authorized towing fees, is determined by the type and size of the towed vehicle, not the type and size of the tow truck performing the service.

(b) Tow Vehicle Classifications will be used when determining authorized fees. Information regarding the (GVWR) to determine classification category of towed vehicle can be found on the identification plate on the vehicle driver side doorframe. Towed vehicle classifications are as follows:

(1) "Light Duty" means any towed vehicle with a (GVWR) 10,000 pounds or less;

(2) "Medium Duty" means any towed vehicle with a (GVWR) between 10,001 and 26,000 pounds;

(3) "Heavy Duty" means any towed vehicle with a (GVWR) or (GCWR) 26,001 pounds and greater.

(~~13~~) "Tow Truck Motor Carrier Steering Committee" means a committee established by the Motor Carrier Division and will include enforcement personnel, industry representatives and other persons as deemed necessary.

R909-19-12. Maximum Towing Rates. Non-Consent Tows.

(1) ~~[\$140]~~121 per hour, per unit, when towing a "Light Duty" vehicle;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(2) \$200 per hour, per unit, when towing a "Medium Duty" vehicle;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transport transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(3) \$250 per hour, per unit, when towing a "Heavy Duty" vehicle;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transport transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(4) If a tow truck apparatus is mechanically connected to a vehicle, the tow truck will therefore be in possession of the vehicle.

(a) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle, which is in question, is attempting to retrieve said vehicle before the tow truck is mechanically connected, no fee(s) will be charged to the vehicle owner.

(b) If the owner, authorized operator, or authorized agent of the owner of the vehicle, which is in question, is attempting to retrieve said vehicle before the vehicle is removed from the property or scene, the maximum fee shall not exceed 50% of the posted rate schedule.

(5) As fuel increases .50 per gallon from the base rate of \$2.00, a surcharge shall be allowed of 10% of the base rate. Conversely, if prices drop, they will decrease by the same amount.

(a) Fuel Surcharge	TABLE
Fuel Cost	Surcharge
\$2	0%
\$2.50	10%
\$3	20%
\$3.50	30%
\$4	40%
\$4.5	50%
\$5	60%
etc.	

(6) Recovery charges, as defined by R909-19-3, shall be coordinated with the towed vehicle owner prior to initiating the additional charges relating the recovery operation. Coordination with the towed vehicle owner should result in an agreement between the tow vehicle owner and Tow Truck Motor Carrier.

(7) Pursuant to Utah Code Ann. Section 72-9-603(3), it is illegal for a Tow Truck Motor Carrier to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule. Any tow truck service charging more than the maximum approved rates may be assessed civil penalties determined by the Department, as authorized under Section 72-9-303.

(8) Tow Truck Motor Carriers shall obey all local city and county laws, when applicable, pertaining to placement of signs, notification, and other towing related ordinances. Tow Truck Lighting 41-6a-161. Strobe lights are not allowed on Tow Trucks. The acceptable light colors are orange and yellow.

R909-19-24. Personal Property.

Property, which is deemed, as personal property shall be given to the property owners of the vehicle regardless of payment for rendered services.

KEY: safety regulations, trucks, towing, certifications

Date of Enactment or Last Substantive Amendment: ~~February 8, 2007~~2008

Notice of Continuation: September 25, 2006

Authorizing, and Implemented or Interpreted Law: 41-6-101; 41-6-102; 41-6-104; 53-1-106; 53-8-105; 63-38-3.2; 72-9-601; 72-9-602; 72-9-603; 72-9-604; 72-9-301; 72-9-303; 72-9-701; 72-9-702; 72-9-703

◆ ————— ◆

Transportation, Motor Carrier, Ports of Entry

R912-11

Overweight and/or Oversize Permitted Vehicle Restrictions on Certain Highways Throughout the State of Utah

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30786

FILED: 11/30/2007, 15:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is issued in order to ensure the safety of the general public and commercial/specialized carrier industry. It does so by clearly defining permit restrictions, including those of certified pilot/escort requirements. These restrictions are necessary because the highways in question are unsafe to an extent atypical of the standard highway due to sight distances, curvatures, significant grade changes, and other geometric conditions.

SUMMARY OF THE RULE OR CHANGE: The rule change clarifies overweight and oversize permitted restrictions and lists the restrictions on particular roads.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 721-201 and 72-7-406

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The rule will not require additional action by the state and, therefore, should not result in any additional cost. However, the restriction of certain vehicles is expected to reduce wear and tear and, consequently, reduce the state's maintenance costs.

❖ LOCAL GOVERNMENTS: This rule does not affect local government roads and will neither increase nor decrease any costs to localities.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The motor carrier industry may incur additional indirect cost by requiring rerouting of traffic from the restricted roads. The department does not know how many motor carrier vehicles will need to be rerouted or the length of the additional trip and, therefore, cannot now estimate the additional cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In order to comply with this rule, the industry may have to reroute restricted vehicles to other roads. The department does not know how many motor carrier vehicles will need to be rerouted or the length of the additional trip and, therefore, cannot now estimate the additional cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Section 72-7-40 allows the department to permit overweight and oversize vehicles. This rule will assist in the permitting process by specifically listing roads that are restricted. Though businesses may incur some costs due to the rule, restricting overweight and oversize vehicles should save the state costs in maintenance. The savings to the state and the public outweighs the cost to the industry and fulfills the department's mission to protect the state's transportation system. John R. Njord, Executive Director

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

TRANSPORTATION
MOTOR CARRIER, PORTS OF ENTRY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Bruce Garner at the above address, by phone at 801-965-4168, by FAX at 801-965-4338, or by Internet E-mail at brucegarner@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: John R. Njord, Executive Director

R912. Transportation, Motor Carrier, Ports of Entry.
R912-11. Overweight and/or Oversize Permitted Vehicle Restrictions on Certain Highways Throughout the State of Utah.
R912-11-16. State Route 46 Between the Colorado State line and RP 18.

(1) Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require one certified pilot/escort vehicle.

(2) Vehicles or loads exceeding 12 feet in width and/or 110 feet in length are prohibited.

(3) Vehicles or loads exceeding 14 feet 6 inches in width must have authorization from the UDOT, Motor Carrier Division. This authorization can be obtained by calling (801) 965-4508.

R912-11-28. State Route 189 (Provo Canyon) Between RP 7 (SR-52) and RP 21 (Wallsburg Junction).

~~[All oversize vehicles, including trailers exceeding 48 feet in length, are prohibited.]~~ Vehicles or loads exceeding 10 feet in width are prohibited.

R912-11-32. State Route 191 ~~[Between La Sal Junction and the Grand/San Juan County Line]~~ over the Colorado River Bridge at RP 126.

Vehicles or loads exceeding 15 feet in width require two police escorts.

~~[R912-11-36. State Route 226 Between State Route 39 and Snow Basin (RP 8).~~

~~All oversize loads require two certified pilot/escort vehicles.~~

~~[R912-11-37]36. State Route 261 Between RP 7 and 10 (Moki Dugway).~~

~~[Vehicles or loads exceeding 55,000 pounds GVW are prohibited unless otherwise authorized in accordance with R912-11-4(a).] Oversize/Overweight vehicles and/or load prohibited.~~

R912-11-~~38~~37. State Route 262.

(1) Between Montezuma Creek and Aneth, vehicles or loads exceeding 95 feet in length require two certified pilot/escort vehicles.

(2) Between Reference Posts 15 and 17, north of Montezuma Creek, vehicles or loads exceeding 55,000 pounds GVW are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-~~39~~38. State Route 264 Between State Routes 31 and 96.

(1) Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require one certified pilot/escort vehicle.

(2) Vehicles or loads exceeding 12 feet in width and/or 110 feet in length are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-~~40~~39. Emigration Canyon Between the Wasatch Drive/Sunnyside Ave. Junction and State Route 65.

(1) Vehicles or loads exceeding 9 feet in width and/or 65 feet in length require one certified pilot/escort vehicle.

(2) Vehicles exceeding 10 feet in width and/or 80 feet in length require two certified pilot/escort vehicles.

(3) Vehicles or loads exceeding 12 feet in width are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-~~44~~40. 6200 South, Salt Lake City, Between Redwood Road and Bangerter Highway.

All commercial vehicles are prohibited.

KEY: trucks, safety regulations, permits

Date of Enactment or Last Substantive Amendment: ~~[February 8, 2006]~~2008

Authorizing, and Implemented or Interpreted Law: 72-1-102; 72-1-201; 72-7-408

◆ ————— ◆

Workforce Services, Unemployment Insurance

R994-508

Appeal Procedures

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 30771
FILED: 11/29/2007, 13:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this amendment is to clarify procedures and set a time limit for filing exhibits.

SUMMARY OF THE RULE OR CHANGE: Some parties submit lengthy exhibits the night before the hearing. This deprives the administrative law judge and other parties of carefully reviewing the documents prior to the hearing. The Appeals Unit used to require exhibits be filed three days prior to the hearing but notice of the hearing was sometimes sent only seven days before the hearing and parties did not have enough time to file them three days in advance. The Unit has changed its procedures and notice is now sent well in advance of the hearing allowing parties to submit exhibits three days in advance. This proposed amendment goes back to "the three day rule" for exhibits to ensure due process.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104, Subsections 35A-1-104(4) and 35A-4-502(1)(b), and Section 35A-1-303

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** This is a federally-funded program so there are no costs or savings to the state budget.
- ❖ **LOCAL GOVERNMENTS:** This is a federally-funded program so there are no costs or savings to local government.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This is a federally-funded program so there are no costs or savings to small businesses. These changes will have no effect on premium rates paid by employers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This is a federally-funded program so there are no compliance costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any employers contribution tax rate. Kristen Cox, Executive Director

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

WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/21/2008

AUTHORIZED BY: Kristen Cox, Executive Director

R994. Workforce Services, Unemployment Insurance.

R994-508. Appeal Procedures.

R994-508-109. Hearing Procedure.

(1) All hearings will be conducted before an ALJ in such manner as to provide due process and protect the rights of the parties.

(2) The hearing will be recorded.

(3) The ALJ will regulate the course of the hearing to obtain full disclosure of relevant facts and to afford the parties a reasonable opportunity to present their positions.

(4) The decision of the ALJ will be based solely on the testimony and evidence presented at the hearing.

(5) All testimony of the parties and witnesses will be given under oath or affirmation.

(6) All parties will be given the opportunity to provide testimony, present relevant evidence which has probative value, cross-examine any other party and/or other party's witnesses, examine or be provided with a copy of all exhibits, respond, argue, submit rebuttal evidence and/or provide statements orally or in writing, and/or comment on the issues.

(7) The evidentiary standard for ALJ decisions, except in cases of fraud, is a preponderance of the evidence. Preponderance means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The evidentiary standard for determining claimant fraud is clear and convincing evidence. Clear and convincing is a higher standard than preponderance of the evidence and means that the allegations of fraud are highly probable.

(8) The ALJ will direct the order of testimony and rule on the admissibility of evidence. The ALJ may, on the ALJ's own motion or the motion of a party, exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(9) Oral or written evidence of any nature, whether or not conforming to the rules of evidence, may be accepted and will be given its proper weight. A party has the responsibility to present all relevant evidence in its possession. When a party is in possession of

evidence but fails to introduce the evidence, an inference may be drawn that the evidence does not support the party's position.

(10) Official Department records, including reports submitted in connection with the administration of the Employment Security Act, may be considered at any time in the appeals process including after the hearing.

(11) Parties may introduce relevant documents into evidence. Parties must mail, fax, or deliver copies of those documents to the ALJ assigned to hear the case and all other interested parties so that the documents are received three days prior to the hearing. Failure to prefile documents may result in a delay of the proceedings. If a party has good cause for not submitting the documents three days prior to the hearing or if a party does not receive the documents sent by the Appeals Unit or another party prior to the hearing, the documents will be admitted after provisions are made to insure due process is satisfied. At his or her discretion, the ALJ can either:

(a) reschedule the hearing to another time;

(b) allow the parties time to review the documents at an in-person hearing;

(c) request that the documents be faxed during the hearing, if possible, or read the material into the record in case of telephone hearing; or

(d) leave the record of the hearing open, send the documents to the party or parties who did not receive them, and give the party or parties an opportunity to submit additional evidence after they are received and reviewed.

(12) The ALJ may, on his or her own motion, take additional evidence as is deemed necessary.

(13) With the consent of the ALJ, the parties to an appeal may stipulate to the facts involved. The ALJ may decide the appeal on the basis of those facts, or may set the matter for hearing and take further evidence as deemed necessary to decide the appeal.

(14) The ALJ may require portions of the testimony be transcribed as necessary for rendering a decision.

(15) All initial determinations made by the Department are exempt from the provisions of the Utah Administrative Procedures Act (UAPA). Appeals from initial determinations will be conducted as formal adjudicative proceedings under UAPA.

R994-508-117. Failure to Participate in the Hearing and Reopening the Hearing After the Hearing Has Been Concluded.

(1) If a party fails to appear for or participate in the hearing, either personally or through a representative, the ALJ may take

evidence from participating parties and will issue a decision based on the best available evidence.

(2) Any party failing to participate, personally or through a representative, may request that the hearing be reopened.

(3) The request must be in writing, must set forth the reason for the request, and must be mailed, faxed, or delivered to the Appeals Unit within ten days of the issuance of the decision issued under Subsection (1). Intermediate Saturdays, Sundays and legal holidays are excluded from the computation of the ten days in accordance with Rule 6 of the Utah Rules of Civil Procedure. If the request is made after the expiration of the ten-day time limit, but within 30 days, the party requesting reopening must show ~~good~~ cause for not making the request within ten days. If no decision has yet been issued, the request should be made without unnecessary delay. If the request is received more than 30 days after decision is issued, the Department will have lost jurisdiction and the party requesting reopening must show good cause for not making a timely request.

(4) If a request to reopen is not granted, the ALJ will issue a decision denying the request. A party may appeal a denial of the request to reopen to the Board within 30 days of the date of issuance of the decision. The appeal must be in writing and set forth the reason or reasons for the appeal. The appeal can only contest the denial of the request to set aside the default and not the underlying merits of the case except as provided in R994-508-118(2)(f).

(5) The ALJ may reopen a hearing on his or her own motion if it appears necessary to take continuing jurisdiction or if the failure to reopen would be an affront to fairness.

(6) If the request to reopen is made more than 30 days after the issuance of the ALJ's decision, the ALJ may consider the request or refer it to the Board to be treated as an appeal to the Board.

KEY: unemployment compensation, appellate procedures
Date of Enactment or Last Substantive Amendment:
~~September 29, 2005~~ 2008
Notice of Continuation: June 11, 2003
Authorizing, and Implemented or Interpreted Law: 35A-4-508(2); 35A-4-508(5); 35A-4-508(6); 35A-4-406; 35A-4-103

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End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Administrative Services, Purchasing and General Services **R33-1** Utah State Procurement Rules Definitions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30750
FILED: 11/23/2007, 15:34

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 63-56-202(a) and 63-56-208(1) authorize this rule. Subsection 63-56-202(a) directs the Procurement Policy Board to "make rules, consistent with this chapter, governing the procurement, management, and control of any and all supplies, services, and construction to be procured by the state". Subsection 63-56-208(1) further instructs: "the policy board shall make rules governing state procurement by complying with the procedures and requirements of Title 63, Chapter 46a, the Utah Administrative Rulemaking Act."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule providing for definitions is important to the procurement functions of state government.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/23/2007



Administrative Services, Purchasing and General Services **R33-2** Procurement Organization

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30751
FILED: 11/23/2007, 15:40

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 63-56-202(a) and 63-56-208(1) authorize this rule. Subsection 63-56-202(a) directs the Procurement Policy Board to "make rules, consistent with this chapter, governing the procurement, management, and control of any and all supplies, services,

and construction to be procured by the state". Subsection 63-56-208(1) further instructs: "the policy board shall make rules governing state procurement by complying with the procedures and requirements of Title 63, Chapter 46a, the Utah Administrative Rulemaking Act." These provisions authorize rules relative to procurement organization.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule on procurement organization is important for the on going procurement operations of state government.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/23/2007

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**Administrative Services, Purchasing
and General Services**
R33-3
**Source Selection and Contract
Formation**

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

DAR File No.: 30755
FILED: 11/23/2007, 16:27

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 63-56-202(a) and 63-56-208(1) authorize this rule. Subsection 63-56-202(a) directs the Procurement Policy Board to "make rules, consistent with this chapter, governing the procurement, management, and control of any and all supplies, services,

and construction to be procured by the state". Subsection 63-56-208(1) further instructs: "the policy board shall make rules governing state procurement by complying with the procedures and requirements of Title 63, Chapter 46a, the Utah Administrative Rulemaking Act."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule on source selection and contract formation is important for the on going procurement operations of state government.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/23/2007

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**Administrative Services, Purchasing
and General Services**
R33-4
Specifications

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

DAR File No.: 30752
FILED: 11/23/2007, 16:01

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 63-56-202(a) and 63-56-208(1) authorize and require this rule. Also Section 63-56-301 requires this rule regarding specifications. Subsection 63-56-202(a) directs the Procurement Policy Board to "make rules, consistent with this chapter, governing the procurement, management, and control of any and all supplies, services, and construction to be procured by the state". Subsection 63-56-208(1) further instructs: "the policy

board shall make rules governing state procurement by complying with the procedures and requirements of Title 63, Chapter 46a, the Utah Administrative Rulemaking Act." Section 63-56-301 provides: "Rules and regulations shall be promulgated to govern the preparation, maintenance, and content of specifications for supplies, services, and construction required by the state. Rules and regulations shall determine the extent to which a nonemployee who has prepared specifications for use by the state may participate in any state procurement using such specifications."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule on specifications is important for the on going procurement operations of state government.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/23/2007

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**Administrative Services, Purchasing
and General Services**
R33-5
**Construction and Architect-Engineer
Selection**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE No.: 30754
FILED: 11/23/2007, 16:26

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 63-56-202(a)

and 63-56-208(1) authorize and require this rule. Subsection 63-56-202(a) directs the Procurement Policy Board to "make rules, consistent with this chapter, governing the procurement, management, and control of any and all supplies, services, and construction to be procured by the state". Subsection 63-56-208(1) further instructs: "the policy board shall make rules governing state procurement by complying with the procedures and requirements of Title 63, Chapter 46a, the Utah Administrative Rulemaking Act."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule on construction and architect-engineer selection is important for the ongoing procurement operations of state government.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/23/2007

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**Administrative Services, Purchasing
and General Services**
R33-8
Property Management

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE No.: 30753
FILED: 11/23/2007, 16:21

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 63-56-202(a) and 63-56-208(1) authorize and require this rule. Subsection 63-56-202(a) directs the Procurement Policy Board to "make rules, consistent with this chapter, governing the procurement,

management, and control of any and all supplies, services, and construction to be procured by the state". Subsection 63-56-208(1) further instructs: "the policy board shall make rules governing state procurement by complying with the procedures and requirements of Title 63, Chapter 46a, the Utah Administrative Rulemaking Act." Subsection 634-56-204(4) requires the chief procurement officer to "establish and maintain programs for the inspection, testing, and acceptance of supplies, services, and construction".

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule on property management is important for the on going procurement operations of state government.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/23/2007

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Environmental Quality, Administration

R305-2

Electronic Meeting

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30765
FILED: 11/28/2007, 10:15

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required by Subsection 52-4-207(1). That provision requires a public body to promulgate a rule governing electronic meetings before any such meetings may be held. (The statutory reference in the

rule itself is no longer correct, given changes made to the Open and Public Meetings Act. A nonsubstantive change will be made shortly.) The rule is also established under the authority of Subsections 19-1-201(2)(k) and 19-1-202(1)(a).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Neither the Department of Environmental Quality (DEQ) nor any of its divisions has ever received a comment about this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Each of the boards of the DEQ has board members and members of the public who are interested in their business from locales quite distant from Salt Lake City, the usual base for DEQ board meetings. Electronic meetings are often the most efficient way for these individuals to participate. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Lockhart at the above address, by phone at 801-366-0283, by FAX at 801-366-0292, or by Internet E-mail at LLOCKHART@utah.gov

AUTHORIZED BY: Richard W. Sprott, Executive Director

EFFECTIVE: 11/28/2007

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Health, Administration

R380-50

Local Health Department Funding Allocation Formula

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30756
FILED: 11/26/2007, 14:57

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26A-1-116 mandates the establishment by rule of a formula for allocating funds to local health departments.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received, although consultation with local health departments is constant and ongoing.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Fair allocation of funding to local health departments is necessary for the provision of public health statewide. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 ADMINISTRATION
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Lyle Odendahl at the above address, by phone at 801-538-6878, by FAX at 801-538-6306, or by Internet E-mail at lyleodendahl@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/26/2007

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**Health, Health Systems Improvement,
 Licensing
 R432-31
 Transferable Physician Order for Life-
 Sustaining Treatment**

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

DAR FILE NO.: 30749
 FILED: 11/21/2007, 18:00

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-21-5 of the Health Facility Licensure and Inspection Act authorizes the Health Facility Committee in the Utah Department of Health to promulgate rules for the licensing of health care facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received. The Health Facility Committee authorized continuation of this rule on 05/09/2007.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is authorized by Section 26-21-5 of the Health Facility Licensure and Inspection Act. This rule provides for the orderly communication and transfer of physician orders that outline individual preferences for life-sustaining treatment when an individual transfers from one licensed health care facility to another. The department agrees with the need to continue the rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 HEALTH SYSTEMS IMPROVEMENT, LICENSING
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Angela Anderson or Allan Elkins at the above address, by phone at 801-538-6450 or 801-538-6595, by FAX at 801-538-6163 or 801-538-6163, or by Internet E-mail at angelaanderson@utah.gov or aelkins@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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**Health, Health Systems Improvement,
 Licensing
 R432-40
 Long-Term Care Facility Immunizations**

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

DAR FILE NO.: 30748
 FILED: 11/21/2007, 17:56

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-21-5 of the Health Facility Licensure and Inspection Act authorizes the Health Facility Committee in the Utah Department of Health to promulgate rules for the licensing of health care facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received. The Health Facility Committee authorized continuation of this rule on 05/09/2007.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is authorized by Section 26-21-5 of the Health Facility Licensure and Inspection Act. This rule requires Long-Term Care facilities to have policies and procedures in place to protect vulnerable patients and residents from vaccine preventable illnesses and to annually report immunization data to the department. The department agrees with the need to continue the rule.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Angela Anderson or Allan Elkins at the above address, by phone at 801-538-6450 or 801-538-6595, by FAX at 801-538-6163 or 801-538-6163, or by Internet E-mail at angelaanderson@utah.gov or aelkins@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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Health, Health Systems Improvement,
Licensing
R432-151
Mental Disease Facility

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

DAR FILE NO.: 30747
FILED: 11/21/2007, 17:51

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-21-5 of the Health Facility Licensure and Inspection Act authorizes the Health Facility Committee in the Utah Department of Health to promulgate rules for the operation of mental disease facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received. The Health Facility Committee authorized continuation of this rule on 05/09/2007.

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

Section 26-21-5 of the Health Facility Licensure and Inspection Act. Currently there are no mental disease facilities in the state. Without this rule, future facilities of this type would not be regulated or licensed. The department agrees with the need to continue the rule.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Allan Elkins at the above address, by phone at 801-538-6595, by FAX at 801-538-6163, or by Internet E-mail at aelkins@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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Health, Center for Health Data, Vital
Records and Statistics

R436-1

Duties of the Department of Health

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

DAR FILE NO.: 30733
FILED: 11/21/2007, 13:51

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Vital Statistics Act, Section 26-2-3, authorizes the Department of Health to establish a statewide vital records system, while Section 26-2-4 authorizes the department to specify the content and form of vital records certificates and reports.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-1 establishes the statewide system of vital records, defines the responsibilities of state and local registrars, and describes standards for vital event certificates. The system described by Rule R436-1 continues to function effectively and in the absence of written comment should be continued as is.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jeff Duncan at the above address, by phone at 801-538-7023, by FAX at 801-538-7012, or by Internet E-mail at jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jeff Duncan at the above address, by phone at 801-538-7023, by FAX at 801-538-7012, or by Internet E-mail at jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

◆ ————— ◆

Health, Center for Health Data, Vital
Records and Statistics

R436-2

Infants of Unknown Parentage;
Foundling Registration

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

DAR FILE NO.: 30734
FILED: 11/21/2007, 13:55

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has the power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. Section 26-2-6 authorizes the creation of birth certificates for foundlings or infants of unknown parentage.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-2 adds details on the implementation of foundling birth certificates including who may sign as attendant and how the record is issued. Rule R436-2 should be continued because it provides additional details not specified in statute for the preparation of foundling birth certificates.

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Health, Center for Health Data, Vital
Records and Statistics

R436-3

Amendment of Vital Records

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

DAR FILE NO.: 30735
FILED: 11/21/2007, 14:10

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-2-7 directs the creation of rules to govern correction of errors or omissions on vital records.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-3 outlines a standard and orderly process and requirements for correcting errors or omissions on vital records and for documenting evidence of those corrections and changes. The statute gives little guidance on amendment of vital records so the rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG

288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jeff Duncan at the above address, by phone at 801-538-7023,
by FAX at 801-538-7012, or by Internet E-mail at
jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

◆ ————— ◆
**Health, Center for Health Data, Vital
Records and Statistics**

R436-4

Delayed Registration of Birth

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

DAR FILE No.: 30736
FILED: 11/21/2007, 14:12

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS
UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS
AUTHORIZE OR REQUIRE THE RULE: Section 26-2-8 provides for
rules to be developed governing the registration of births that
have not previously been registered within time limits required
by law. Sections 26-2-14.1 and 26-2-14.2 provide the same
for births resulting in stillbirth.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE
LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS
SUPPORTING OR OPPOSING THE RULE: No written comments have
been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE,
INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS
IN OPPOSITION TO THE RULE, IF ANY: Rule R436-4 establishes
procedures and standards for documentary evidence for
delayed registration of births and deaths. These procedures
and standards are necessary to allow for registration of
delayed events while preventing fraudulent registrations.
Therefore, this rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jeff Duncan at the above address, by phone at 801-538-7023,
by FAX at 801-538-7012, or by Internet E-mail at
jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

◆ ————— ◆
**Health, Center for Health Data, Vital
Records and Statistics**

R436-7

Death Registration

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

DAR FILE No.: 30737
FILED: 11/21/2007, 14:15

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS
UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS
AUTHORIZE OR REQUIRE THE RULE: Execution and registration
requirements for death certificates are described in Section
26-2-13. The statute gives the state registrar the authority to
direct the manner in which deaths are registered.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE
LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS
SUPPORTING OR OPPOSING THE RULE: No written comments have
been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE,
INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS
IN OPPOSITION TO THE RULE, IF ANY: Rule R436-7 specifies the
procedure for completing a death certificate when information
necessary is not available within the time limits required by
statute. The rule is necessary to ensure that deaths are
registered in a timely manner when information is missing.
Therefore, this rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jeff Duncan at the above address, by phone at 801-538-7023,
by FAX at 801-538-7012, or by Internet E-mail at
jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

Health, Center for Health Data, Vital
Records and Statistics

R436-8

Authorization for Final Disposition of
Deceased Persons

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

DAR FILE No.: 30738
FILED: 11/21/2007, 16:36

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has the power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. This rule implements the provisions for the transportation and disposition of deceased persons as outlined in Sections 26-2-17 and 26-2-18.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-8 provides details on procedures and requirements for transporting and disposing of dead bodies. The requirements of the rule are important to safeguard public health and are accepted practice in the funeral industry, so the rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jeff Duncan at the above address, by phone at 801-538-7023,
by FAX at 801-538-7012, or by Internet E-mail at
jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

Health, Center for Health Data, Vital
Records and Statistics

R436-9

Persons and Institutions Required to
Keep Monthly Listings of Vital Statistics
Events

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

DAR FILE No.: 30739
FILED: 11/21/2007, 16:39

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has the power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. Several sections of the Vital Statistics Act (Sections 26-2-16, 26-2-18, and 26-2-23) require monthly reports of vital events in a format specified by the state registrar. This rule provides additional detail on those reports.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Monthly reports of vital events such as births and deaths from facilities and funeral homes are necessary to ensure complete registration of vital events. Rule R436-9 provides specific guidance on the content and format of these monthly reports and should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jeff Duncan at the above address, by phone at 801-538-7023, by FAX at 801-538-7012, or by Internet E-mail at jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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**Health, Center for Health Data, Vital
 Records and Statistics**

R436-10

**Registration and Transmittal of
 Certificates by Local Registrar to the
 State Registrar**

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

DAR FILE NO.: 30740
 FILED: 11/21/2007, 16:41

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has the power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. Section 26-2-19 requires local registrars to store and transmit vital records to the state registrar in accordance with department rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-10 establishes requirements for local registrars to store vital records and to transmit them to the state registrar. A uniform statewide system of storage and reporting is necessary to preserve records, protect confidential information and to compile vital statistics for the state. Therefore, this rule should be continued.

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

HEALTH
 CENTER FOR HEALTH DATA,
 VITAL RECORDS AND STATISTICS
 CANNON HEALTH BLDG

288 N 1460 W

SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jeff Duncan at the above address, by phone at 801-538-7023, by FAX at 801-538-7012, or by Internet E-mail at jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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**Health, Center for Health Data, Vital
 Records and Statistics**

R436-12

**Certified Copies of Vital Statistics
 Records**

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

DAR FILE NO.: 30741
 FILED: 11/21/2007, 16:43

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has the power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. Section 26-2-21 allows the state registrar to authorize local registrars to issue certified copies of vital records.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-12 outlines minimum requirements needed by local registrars for authorization to issue certified copies. These minimum requirements are necessary to protect the physical and legal integrity of the records and to preserve the confidentiality of the subjects of the records. Therefore, this rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jeff Duncan at the above address, by phone at 801-538-7023, by FAX at 801-538-7012, or by Internet E-mail at jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jeff Duncan at the above address, by phone at 801-538-7023, by FAX at 801-538-7012, or by Internet E-mail at jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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Health, Center for Health Data, Vital
Records and Statistics
R436-13
Disclosure of Records

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

DAR File No.: 30742
FILED: 11/21/2007, 16:47

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has the power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. The inspection of information in vital records is limited to persons authorized by Section 26-2-22 as having a "direct and tangible" interest. This rule implements the privacy and limited disclosure provisions of the Vital Statistics Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-13 provides additional clarification on what does and does not constitute a direct and tangible interest. The rule is necessary to protect the confidentiality of vital records by limiting access to those authorized by statute. Therefore, this rule should be continued.

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Health, Center for Health Data, Vital
Records and Statistics
R436-14
Copies of Data From Vital Records

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

DAR File No.: 30743
FILED: 11/21/2007, 16:49

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has the power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. Section 26-2-26 authorizes state and local registrars to prepare copies or reproductions of original vital records. This rule establishes the requirements for the issuance of copies of vital records.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-14 contains requirements for certified copies that are important to provide uniformity to copies issued by state and local registrars. The rule also contains provisions for verifications of vital events, and guidance for events possibly registered through misrepresentation or fraud. Therefore, this rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jeff Duncan at the above address, by phone at 801-538-7023, by FAX at 801-538-7012, or by Internet E-mail at jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jeff Duncan at the above address, by phone at 801-538-7023, by FAX at 801-538-7012, or by Internet E-mail at jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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Health, Center for Health Data, Vital
Records and Statistics
R436-15
Fees

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

DAR FILE No.: 30744
FILED: 11/21/2007, 16:50

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has the power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. Section 26-1-6 authorizes the department to adopt a schedule of fees for services rendered.

This rule adopts fees necessary to operate the vital records system.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-15 establishes that vital record searches and certified copies are subject to fees as authorized by statute, with exceptions as authorized by the state registrar. Fees collected for vital record searches fund the continued operation of the vital statistics system, so the rule should be continued.

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Health, Center for Health Data, Vital
Records and Statistics
R436-16
Penalties

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

DAR FILE No.: 30745
FILED: 11/21/2007, 16:51

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(5) requires that rule enumerate any penalty that is authorized by statute that may result in its violation. This rule enumerates the penalties that may result from a violation of any of the Vital Statistics rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-16 is necessary to enumerate the penalties for violating vital statistics rules as prescribed by Sections 26-23-3 through 26-23-8. Therefore, this rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG

288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jeff Duncan at the above address, by phone at 801-538-7023,
by FAX at 801-538-7012, or by Internet E-mail at
jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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Health, Center for Health Data, Vital Records and Statistics

R436-17

Review and Approval of Research Requests

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30746
FILED: 11/21/2007, 16:53

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 provides that the Department of Health has power to make rules necessary to carry out the provisions of Title 26. Section 26-2-3 provides that the Department of Health establish a statewide vital records system. Section 26-2-22 authorizes the state registrar to approve the use of vital records information for statistical or medical research. Section 26-2-22 authorizes the state registrar to approve the use of vital records information for statistical or medical research.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R436-17 establishes a standard process and requirements for the state registrar to use in approving research requests for vital records. The rule provides an objective and standardized basis for assessing research requests, balances the information needs of researchers with the privacy rights of individuals, and provides a method of appeal for researchers whose requests are denied. Therefore, this rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jeff Duncan at the above address, by phone at 801-538-7023,
by FAX at 801-538-7012, or by Internet E-mail at
jduncan@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/21/2007

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Human Services, Administration

R495-861

Requirements for Local Discretionary Social Services Block Grant Funds

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30772
FILED: 11/29/2007, 14:28

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-1-111 authorizes the department to adopt rules necessary for the provision of social services. Section 62A-1-114 provides that the Department of Human Services administer the Social Services Block Grant (SSBG).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department received two letters on this rule. Both were from administrators at Bear River Association of Governments (BRAG). They both asked to "update the allocation formula" for the SSBG funds.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued so that the allocation of the funds can be specifically defined. In response to the comment/request from BRAG, the department indicated that they would need to get input and concurrence from county commissioners and councils through the Utah Association of Counties (UAC), as

well as the Associations of Governments. The department presented the proposed options for changes to the SSBG formula at a Utah Association of Counties meeting. The final decision was no action; the UAC took no action nor made any response. The department recognizes that the rule needs to be updated to conform to formatting standards. That amendment will be filed concurrently.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

L Ray Winger at the above address, by phone at 801-538-4319, by FAX at 801-538-4424, or by Internet E-mail at raywinger@utah.gov

AUTHORIZED BY: Lisa-Michele Church, Executive Director

EFFECTIVE: 11/29/2007

Human Services, Administration,
Administrative Services, Licensing

R501-1

General Provisions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30730
FILED: 11/21/2007, 09:49

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-2-106 authorizes the Office of Licensing to make rules. These rules provide minimum standards for human service programs and guidance to the license process.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Office of Licensing has not received any written comments during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Sections 62A-2-101 through 62A-2-122 provide for issuance of a license for human service programs. This rule provides guidance to those programs for the process of obtaining licenses. Therefore, this rule should

be continued. In addition upon review of this rule, the Office of Licensing recognizes that this rule needs to be updated for format and to update the citations within it, and will be done in a future filing.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ken Stettler or Jan Bohi at the above address, by phone at 801-538-4235 or 801-538-4153, by FAX at 801-538-4553 or 801-538-4553, or by Internet E-mail at kstettler@utah.gov or janbohi@utah.gov

AUTHORIZED BY: Ken Stettler, Director

EFFECTIVE: 11/21/2007

Human Services, Administration,
Administrative Services, Licensing

R501-2

Core Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30731
FILED: 11/21/2007, 11:38

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-2-106 requires core rules for Human Services Programs, such as foster care, outdoor youth, etc.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continued growth of the programs that the division licenses necessitates this rule. Therefore, this rule should be continued. Upon review of this rule, the division recognizes that there are some updates for citations and typographical errors that need to be corrected, and will be done in a future filing.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 ADMINISTRATION, ADMINISTRATIVE SERVICES,
 LICENSING
 120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 ADMINISTRATION, ADMINISTRATIVE SERVICES,
 LICENSING
 120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Ken Stettler or Jan Bohi at the above address, by phone at 801-538-4235 or 801-538-4153, by FAX at 801-538-4553 or 801-538-4553, or by Internet E-mail at kstettler@utah.gov or janbohi@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Jan Bohi or Ken Stettler at the above address, by phone at 801-538-4153 or 801-538-4235, by FAX at 801-538-4553 or 801-538-4553, or by Internet E-mail at janbohi@utah.gov or kstettler@utah.gov

AUTHORIZED BY: Ken Stettler, Director

AUTHORIZED BY: Ken Stettler, Director

EFFECTIVE: 11/21/2007

EFFECTIVE: 11/21/2007

◆ ————— ◆
**Human Services, Administration,
 Administrative Services, Licensing**

R501-7

Child Placing Adoption Agencies

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

DAR File No.: 30732
 FILED: 11/21/2007, 11:45

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-2-106 provides the responsibility of the Office of Licensing to make rules to establish consumer safety, protection, minimum administration, and financial requirements for the agencies.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have not been any written comments received on this rule during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required because of the continuing need for child placing adoption agencies caused by more children being placed in adoptive homes and for the continued protection of these children. This rule establishes standards for those agencies. Therefore, this rule should be continued. Upon review of this rule, the the division recognizes that there are some updates for citations and typographical errors that need to be corrected, and will be done in a future filing.

◆ ————— ◆
**Human Services, Administration,
 Administrative Services, Licensing**

R501-11

Social Detoxification Programs

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

DAR File No.: 30729
 FILED: 11/21/2007, 09:12

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-2-106 provides the responsibility of the Office of Licensing to make rules to provide for the protection and safety of the agency's clients.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Over the last five years, there have been no written comments received concerning this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary as a result of the continuing growth of drug and alcohol use in today's society. It is also needed to provide standards for social detoxification programs. Therefore, this rule should be continued. Upon review of this rule, the division recognizes that there are some updates for citations and typographical errors that need to be corrected, and will be done in a future filing.

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

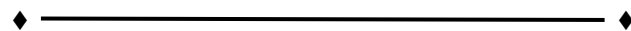
HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi or Ken Stettler at the above address, by phone at 801-538-4153 or 801-538-4235, by FAX at 801-538-4553 or 801-538-4553, or by Internet E-mail at janbohi@utah.gov or kstettler@utah.gov

AUTHORIZED BY: Ken Stettler, Director

EFFECTIVE: 11/21/2007



Human Services, Recovery Services
R527-928
Lost Checks

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

DAR FILE NO.: 30768
FILED: 11/29/2007, 08:14

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-11-107 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law. Section 62A-11-104 gives ORS the authority to provide child support services to individuals if the office has received an application for child support services, the state has provided public assistance, or a child lives out of the home in the protective custody, temporary custody, or custody or care of the state. These services include the distribution of collected child support money to a payee.

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 received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because the laws that require ORS to collect and disburse collected child support money to the appropriate payee can sometimes result in a lost, stolen, or forged check. The rule provides the office with the procedures and process for assisting the payee in reissuing a warrant, if appropriate, when a check is lost, stolen, or forged. Therefore, this rule

should be continued. The following laws supporting this rule have been renumbered and the rule will be amended shortly to reflect the renumbered statutes; Section 35A-1-502 is now Section 35A-3-603, and Section 62A-11-201 is now Section 35A-3-601.

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

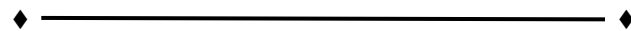
HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

LeAnn Wilber at the above address, by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 11/29/2007



Human Services, Services for People
with Disabilities
R539-1
Eligibility

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

DAR FILE NO.: 30770
FILED: 11/29/2007, 13:19

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-5-103 authorizes the division to make rules governing eligibility standards for services provided by the division. Section 62A-5-105 states that the governing board of the division shall establish by rule the policy of the division.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued because it establishes the eligibility standards for division programs and services, as required by Sections 62A-5-103 and 62A-5-105. Upon review of this rule, the division has identified that this rule needs to be amended to clarify the citations within it, and will be done in a future filing.

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
Room 411
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at 801-538-4197, by FAX at 801-538-4279, or by Internet E-mail at sbradford@utah.gov

AUTHORIZED BY: George Kelner, Director

EFFECTIVE: 11/29/2007

Natural Resources, Water Resources

R653-5

Cloud Seeding

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30769
FILED: 11/29/2007, 11:47

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 73-15 created the Cloud Seeding to Increase Precipitation Act and gave regulatory authority to the Division of Water Resources. This rule specifies the requirements for the Cloud Seeding program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Cloud Seeding program is still in effect and is regulated by the Division of Water Resources. The requirements listed in this rule are crucial to operating the Cloud Seeding program. Therefore, this rule should be continued.

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

NATURAL RESOURCES
WATER RESOURCES
Room 310

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Geralee Murdock at the above address, by phone at 801-538-7235, by FAX at 801-538-7279, or by Internet E-mail at geraleemurdock@utah.gov

AUTHORIZED BY: Dennis J Strong, Director

EFFECTIVE: 11/29/2007

Public Safety, Highway Patrol R714-159 Vehicle Safety Inspection Apprenticeship Program Guidelines

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30764
FILED: 11/27/2007, 10:26

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 53-8-204(5)(e) which states that the division shall make rules establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The program guidelines outline the requirements necessary to enter into an apprenticeship with a school district. Therefore, this rule should be continued.

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

PUBLIC SAFETY
HIGHWAY PATROL
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5994, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joseph Vasquez at the above address, by phone at 801-965-4889, by FAX at 801-322-1817, or by Internet E-mail at jvasquez@utah.gov

AUTHORIZED BY: Lance Davenport, Superintendent

EFFECTIVE: 11/27/2007

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Public Safety, Highway Patrol
R714-240
Standards and Specifications for Child
Restraint Devices and Safety Belts

FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

DAR FILE NO.: 30759
FILED: 11/27/2007, 08:54

NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 53-1-106(1)(a) and Section 41-6a-1601, which state that the department shall set minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: With this rule, our department outlines the adoption of federal child restraint devices and safety belts standards. Therefore, this rule should be continued.

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

PUBLIC SAFETY
HIGHWAY PATROL
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5994, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joseph Vasquez at the above address, by phone at 801-965-4889, by FAX at 801-322-1817, or by Internet E-mail at jvasquez@utah.gov

AUTHORIZED BY: Lance Davenport, Superintendent

EFFECTIVE: 11/27/2007

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Public Safety, Highway Patrol
R714-300
Standards for Motor Vehicle Braking
Systems

FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

DAR FILE NO.: 30761
FILED: 11/27/2007, 09:16

NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 53-1-106(1)(a) and Section 41-6a-1601, which state that the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: With this rule, our department outlines the adoption of federal motor vehicle braking system standards. Therefore, this rule should be continued.

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

PUBLIC SAFETY
HIGHWAY PATROL
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5994, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joseph Vasquez at the above address, by phone at 801-965-4889, by FAX at 801-322-1817, or by Internet E-mail at jvasquez@utah.gov

AUTHORIZED BY: Lance Davenport, Superintendent

EFFECTIVE: 11/27/2007

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63-46a-9). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules. The extension permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed extensions for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date. The five-year review extension is governed by Subsection 63-46a-9(4) and (5).

Human Services

Substance Abuse and Mental Health

No. 30767: R523-1. Procedures.

ENACTED OR LAST REVIEWED: 12/11/2002 (No. 25773, 5YR, filed 12/11/2002 at 2:06 p.m., published 01/01/2003).

EXTENDED DUE DATE: 04/09/2008

End of the Notices of Five-Year Review Extensions 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*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63-46a-4(9).

Abbreviations

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

Commerce

Occupational and Professional Licensing
No. 30172 (AMD): R156-55a. Utah Construction Trades Licensing Act Rules.
Published: August 1, 2007
Effective: November 26, 2007

No. 30172 (CPR): R156-55a. Utah Construction Trades Licensing Act Rules.
Published: October 15, 2007
Effective: November 26, 2007

Education

Administration
No. 30482 (AMD): R277-402. Online Testing.
Published: October 15, 2007
Effective: November 26, 2007

Health

Health Care Financing, Coverage and Reimbursement Policy
No. 30133 (AMD): R414-303. Coverage Groups.
Published: July 15, 2007
Effective: November 21, 2007

No. 30133 (CPR): R414-303. Coverage Groups.
Published: October 15, 2007
Effective: November 21, 2007

Human Services

Child and Family Services
No. 30468 (AMD): R512-43. Adoption Assistance.
Published: October 15, 2007
Effective: November 21, 2007

Insurance

Administration
No. 30446 (REP): R590-118. Licensing Examination Rule.
Published: October 1, 2007
Effective: November 16, 2007

No. 30452 (NEW): R590-242. Military Sales Practices.
Published: October 1, 2007
Effective: November 16, 2007

Labor Commission

Adjudication
No. 30456 (NEW): R602-3. Procedure and Standards for Approval of Assignment of Benefits.
Published: October 15, 2007
Effective: November 21, 2007

Lieutenant Governor

Administration
No. 30509 (AMD): R622-2. Use of the Great Seal of the State of Utah.
Published: October 15, 2007
Effective: November 21, 2007

Natural Resources

Wildlife Resources
No. 30470 (AMD): R657-9. Taking Waterfowl, Common Snipe and Coot.
Published: October 15, 2007
Effective: November 21, 2007

No. 30471 (AMD): R657-37. Cooperative Wildlife Management Units for Big Game or Turkey.
Published: October 15, 2007
Effective: November 21, 2007

No. 30472 (AMD): R657-54. Taking Wild Turkey.
Published: October 15, 2007
Effective: November 21, 2007

No. 30474 (AMD): R657-55. Wildlife Convention Permits.
Published: October 15, 2007
Effective: November 21, 2007

Public Safety

Peace Officer Standards and Training
No. 30388 (AMD): R728-404. Basic Training Basic Academy Rules.
Published: October 1, 2007
Effective: December 1, 2007

NOTICES OF RULE EFFECTIVE DATES

No. 30389 (AMD): R728-500. Utah Peace Officer Standards and Training In-Service Training Certification Procedures.
Published: October 1, 2007
Effective: December 3, 2007

No. 30454 (AMD): R728-501. Career Development Courses.
Published: October 1, 2007
Effective: December 1, 2007

No. 30455 (AMD): R728-502. Procedure for POST Instructor Certification.
Published: October 1, 2007
Effective: December 3, 2007

Public Service Commission

Administration

No. 30513 (AMD): R746-310. Uniform Rules Governing Electricity Service by Electric Utilities.
Published: October 15, 2007
Effective: November 26, 2007

School and Institutional Trust Lands

No. 30499 (AMD): R850-40. Easements.
Published: October 15, 2007
Effective: November 21, 2007

Tax Commission

Auditing

No. 30478 (AMD): R865-6F-38. Renewable Energy Credit Amount Pursuant to Utah Code Ann. Section 59-7-614.
Published: October 15, 2007
Effective: November 27, 2007

No. 30479 (AMD): R865-9I-54. Renewable Energy Credit Amount Pursuant to Utah Code Ann. Sections 59-10-1014 and 59-10-1106.
Published: October 15, 2007
Effective: November 27, 2007

Property Tax

No. 30512 (AMD): R884-24P-53. 2007 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.
Published: October 15, 2007
Effective: November 27, 2007

End of the Notices of Rule Effective Dates Section

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

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2007, including notices of effective date received through November 30, 2007, the effective dates of which are no later than December 15, 2007. 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
Administrative Services					
<u>Administration</u>					
R13-2	Access to Records	29771	5YR	04/02/2007	2007-8/119
R13-2	Access to Records	29772	AMD	05/22/2007	2007-8/3
R13-3	Americans with Disabilities Act Grievance Procedures	30813	5YR	12/10/2007	Not Printed
<u>Administrative Rules</u>					
R15-3-5	Statutory Provisions that Require Rulemaking Pursuant to Subsection 63-46a-4(11)	29554	AMD	04/30/2007	2007-6/5
R15-4-10	Estimates of Anticipated Cost or Savings, and Compliance Cost	30111	EMR	07/01/2007	2007-14/38
R15-4-10	Estimates of Anticipated Cost or Savings, and Compliance Costs	30112	AMD	08/24/2007	2007-14/3
<u>Debt Collection</u>					
R21-1	Transfer of Collection Responsibility of State Agencies (5YR EXTENSION)	29917	NSC	08/29/2007	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R21-1	Transfer of Collection Responsibility of State Agencies	30374	5YR	08/29/2007	2007-18/70
R21-2	Office of State Debt Collection Administrative Procedures (5YR EXTENSION)	29918	NSC	08/29/2007	Not Printed
R21-2	Office of State Debt Collection Administrative Procedures	30375	5YR	08/29/2007	2007-18/71
R21-3	Debt Collection Through Administrative Offset	30376	5YR	08/29/2007	2007-18/71
R21-3	Debt Collection Through Administrative Offset (5YR EXTENSION)	29919	NSC	08/29/2007	Not Printed
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	29965	5YR	05/24/2007	2007-12/59
R23-12	Building Code Appeals Process	30525	5YR	10/03/2007	2007-21/78
R23-19	Facility Use Rules	29964	5YR	05/24/2007	2007-12/59
R23-19	Facility Use Rule	29812	R&R	06/07/2007	2007-9/3
R23-20	Free Speech Activities	29811	NEW	06/07/2007	2007-9/11
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R920-2	Traffic Control Systems for Railroad-Highway Grade Crossings (5YR EXTENSION)	30003	NSC	10/23/2007	Not Printed
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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

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	29935	R277-416	REP	07/09/2007	2007-11/14
<u>educational policy</u>					
Education, Administration	30404	R277-112	5YR	09/06/2007	2007-19/48
	30405	R277-115	5YR	09/06/2007	2007-19/48
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	29935	R277-416	REP	07/09/2007	2007-11/14
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	29935	R277-416	REP	07/09/2007	2007-11/14
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Education, Administration	30093	R277-473	AMD	08/07/2007	2007-13/31
	30447	R277-473	AMD	11/07/2007	2007-19/9
	29478	R277-473-9	AMD	03/27/2007	2007-4/12
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Education, Administration	30409	R277-407	5YR	09/06/2007	2007-19/50
	30050	R477-10	5YR	06/09/2007	2007-13/150
	29891	R477-10	AMD	07/01/2007	2007-10/70
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	30418	R277-514	5YR	09/06/2007	2007-19/54
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	30294	R277-110-4	NSC	08/31/2007	Not Printed
	30097	R277-510	R&R	08/07/2007	2007-13/42
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	29098	R317-1-7	AMD	01/19/2007	2006-20/54
	30382	R317-1-7	AMD	10/22/2007	2007-18/16
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	30343	R510-101	5YR	08/21/2007	2007-18/74
	30341	R510-102	5YR	08/21/2007	2007-18/75
	30344	R510-103	5YR	08/21/2007	2007-18/75
	30345	R510-106	5YR	08/21/2007	2007-18/76
	30346	R510-107	5YR	08/21/2007	2007-18/76
	30347	R510-108	5YR	08/21/2007	2007-18/77
	30348	R510-109	5YR	08/21/2007	2007-18/77
	30351	R510-200	5YR	08/21/2007	2007-18/79
	30353	R510-400	5YR	08/21/2007	2007-18/80
<u>electric generating units</u>					
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	29230	R307-224	NEW	03/15/2007	2006-23/14
	29231	R307-424	CPR	05/09/2007	2007-7/137
	29231	R307-424	NEW	05/09/2007	2006-23/15
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	30513	R746-310	AMD	11/26/2007	2007-20/45
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	30158	R156-11a	AMD	08/21/2007	2007-14/10
	29810	R156-11a	5YR	04/12/2007	2007-9/33
	29013	R156-11a	CPR	01/11/2007	2006-23/87
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	30463	R156-11a	NSC	10/18/2007	Not Printed
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	30765	R305-2	5YR	11/28/2007	2007-24/36
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	29469	R414-308	AMD	04/01/2007	2007-4/22
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	30630	R426-6	5YR	10/31/2007	2007-22/94
	29944	R426-12	AMD	08/08/2007	2007-11/30
	29392	R426-16	AMD	04/01/2007	2007-3/9
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	29501	R307-105	NSC	07/13/2007	Not Printed
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	29664	R307-325	5YR	03/15/2007	2007-7/160
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	29669	R307-340	5YR	03/15/2007	2007-7/165
	29009	R307-340	AMD	03/09/2007	2006-19/52
	29151	R307-340-1	NSC	03/09/2007	Not Printed
	29670	R307-341	5YR	03/15/2007	2007-7/166
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	29886	R477-5	AMD	07/01/2007	2007-10/53
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	30142	R994-405	5YR	06/26/2007	2007-14/61
	29855	R994-405	AMD	08/08/2007	2007-10/88
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Workforce Services, Employment Development	29700	R986-100-114a	AMD	06/14/2007	2007-7/89
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	30125	R195-3	5YR	06/22/2007	2007-14/44
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	30479	R865-9I-54	AMD	11/27/2007	2007-20/51
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	30284	R307-415-4	AMD	11/09/2007	2007-17/12
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	29013	R156-11a	CPR	01/11/2007	2006-23/87
	29013	R156-11a	AMD	01/11/2007	2006-19/5
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	30394	R512-51	NEW	11/07/2007	2007-19/23
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	30170	R477-100	REP	10/24/2007	2007-15/21
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	29185	R317-6-6	AMD	01/19/2007	2006-22/23
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Transportation, Motor Carrier	29339	R909-75	AMD	02/08/2007	2007-1/49
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	29839	R311-201	5YR	04/18/2007	2007-10/113
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	29840	R311-202	5YR	04/18/2007	2007-10/114
	29570	R311-203	NSC	04/18/2007	Not Printed
	29841	R311-203	5YR	04/18/2007	2007-10/114
	29571	R311-204	NSC	04/18/2007	Not Printed
	29842	R311-204	5YR	04/18/2007	2007-10/115
	29844	R311-206	5YR	04/18/2007	2007-10/116
	29573	R311-206	NSC	04/18/2007	Not Printed
	29850	R311-212	5YR	04/18/2007	2007-10/120
	29579	R311-212	NSC	04/18/2007	Not Printed
	30210	R311-401	5YR	07/19/2007	2007-16/65
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Environmental Quality, Environmental Response and Remediation	30210	R311-401	5YR	07/19/2007	2007-16/65
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	30683	R714-220	NSC	11/30/2007	Not Printed
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Health, Administration	30338	R380-10	5YR	08/20/2007	2007-18/72
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	29582	R708-7-10	AMD	04/23/2007	2007-6/29
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	30542	R432-100	5YR	10/04/2007	2007-21/90
	29525	R432-100-33	AMD	04/11/2007	2007-5/14
	30531	R432-101	5YR	10/03/2007	2007-21/91
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	30536	R432-103	5YR	10/04/2007	2007-21/92
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	30497	R432-150	5YR	09/27/2007	2007-20/75
	30747	R432-151	5YR	11/21/2007	2007-24/38
	30532	R432-152	5YR	10/03/2007	2007-21/93
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	30493	R432-300	5YR	09/27/2007	2007-20/75
	30541	R432-500	5YR	10/04/2007	2007-21/95
	30539	R432-550	5YR	10/04/2007	2007-21/95
	30540	R432-600	5YR	10/04/2007	2007-21/96
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	29420	R590-240	CPR	06/08/2007	2007-9/30
	29420	R590-240	NEW	06/08/2007	2007-3/15
	30228	R590-240-3	NSC	08/14/2007	Not Printed
	30102	R590-240-5	AMD	08/08/2007	2007-13/54
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	29947	R590-220	AMD	07/12/2007	2007-11/51
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	30098	R277-713	AMD	08/07/2007	2007-13/47
	30177	R628-2	5YR	07/10/2007	2007-15/68
	30563	R628-2-4	NSC	10/31/2007	Not Printed
	30607	R765-134	5YR	10/23/2007	2007-22/96
	30165	R765-607	AMD	08/22/2007	2007-14/32
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	30478	R865-6F-38	AMD	11/27/2007	2007-20/50
	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
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<u>mammography</u> Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
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Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	30171	R388-805	NEW	10/17/2007	2007-15/13
	30380	R388-805-1	NSC	10/17/2007	Not Printed
<u>trees</u>					
Natural Resources, Forestry, Fire and State Lands	29800	R652-130	NSC	04/03/2007	Not Printed
<u>trip reduction</u>					
Environmental Quality, Air Quality	29002	R307-320	AMD	03/09/2007	2006-19/32
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	29663	R307-320	5YR	03/15/2007	2007-7/160
<u>truancy</u>					
Education, Administration	30332	R277-607	R&R	10/10/2007	2007-17/9
	30570	R277-607-1	NSC	10/31/2007	Not Printed
<u>trucking industries</u>					
Tax Commission, Auditing	29624	R865-6F	5YR	03/08/2007	2007-7/187
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	29437	R865-6F-37	AMD	04/16/2007	2007-4/40
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<u>trucks</u>					
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	29341	R909-19	AMD	02/08/2007	2007-1/46
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<u>trust land management</u>					
School and Institutional Trust Lands, Administration	30150	R850-30	5YR	06/27/2007	2007-14/56
	30323	R850-30	AMD	10/09/2007	2007-17/33
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Health, Health Care Financing, Medical Assistance Program	29909	R420-1	REP	07/01/2007	2007-10/40
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Environmental Quality, Environmental Response and Remediation	29567	R311-200	NSC	04/18/2007	Not Printed
	29838	R311-200	5YR	04/18/2007	2007-10/112
	29839	R311-201	5YR	04/18/2007	2007-10/113
	29568	R311-201	NSC	04/18/2007	Not Printed
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	29841	R311-203	5YR	04/18/2007	2007-10/114
	29570	R311-203	NSC	04/18/2007	Not Printed
	29571	R311-204	NSC	04/18/2007	Not Printed
	29842	R311-204	5YR	04/18/2007	2007-10/115
	29843	R311-205	5YR	04/18/2007	2007-10/116
	29572	R311-205	NSC	04/18/2007	Not Printed
	29844	R311-206	5YR	04/18/2007	2007-10/116
	29573	R311-206	NSC	04/18/2007	Not Printed
	29845	R311-207	5YR	04/18/2007	2007-10/117
	29574	R311-207	NSC	04/18/2007	Not Printed
	29575	R311-208	NSC	04/18/2007	Not Printed
	29846	R311-208	5YR	04/18/2007	2007-10/118
	29576	R311-209	NSC	04/18/2007	Not Printed
	29847	R311-209	5YR	04/18/2007	2007-10/118
	29848	R311-210	5YR	04/18/2007	2007-10/119
	29577	R311-210	NSC	04/18/2007	Not Printed
	29578	R311-211	NSC	04/18/2007	Not Printed
	29849	R311-211	5YR	04/18/2007	2007-10/119
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<u>unemployment</u>					
Human Services, Recovery Services	30396	R527-412	5YR	09/05/2007	2007-19/62
<u>unemployment compensation</u>					
Workforce Services, Unemployment Insurance	29954	R994-102	5YR	05/16/2007	2007-12/68
	29955	R994-106	5YR	05/17/2007	2007-12/69
	29678	R994-202	R&R	07/01/2007	2007-7/90
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	30442	R994-402-207	AMD	11/15/2007	2007-19/38
	30141	R994-403	5YR	06/26/2007	2007-14/60
	30441	R994-403-108b	AMD	11/15/2007	2007-19/39
	29962	R994-404	5YR	05/22/2007	2007-12/71
	30726	R994-405	NSC	11/30/2007	Not Printed
	29855	R994-405	AMD	08/08/2007	2007-10/88
	30142	R994-405	5YR	06/26/2007	2007-14/61
	30104	R994-405-3	AMD	08/08/2007	2007-13/135
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	29963	R994-406	5YR	05/22/2007	2007-12/71
	30285	R994-508-401	NSC	08/31/2007	Not Printed
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Environmental Quality, Radiation Control	30434	R313-24	5YR	09/07/2007	2007-19/57
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Human Services, Aging and Adult Services	30352	R510-302	5YR	08/21/2007	2007-18/79
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	30598	R610-1-3	NSC	11/13/2007	Not Printed
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	30163	R315-301-2	NSC	07/11/2007	Not Printed
	29509	R315-301-5	NSC	02/28/2007	Not Printed
	29203	R315-302	AMD	02/01/2007	2006-23/22
	29204	R315-303	AMD	02/01/2007	2006-23/28
	29754	R315-304	5YR	03/30/2007	2007-8/128
	29205	R315-304	AMD	02/01/2007	2006-23/33
	29566	R315-305-4	NSC	03/09/2007	Not Printed
	29206	R315-305-4	AMD	02/01/2007	2006-23/35
	29207	R315-306-2	AMD	02/01/2007	2006-23/37
	29208	R315-308	AMD	02/01/2007	2006-23/38
	29716	R315-308-2	NSC	04/12/2007	Not Printed
	29209	R315-309	AMD	02/01/2007	2006-23/43
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	29213	R315-313-2	AMD	02/01/2007	2006-23/54
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	29098	R317-1-7	AMD	01/19/2007	2006-20/54
	30382	R317-1-7	AMD	10/22/2007	2007-18/16
	30514	R317-560	5YR	10/02/2007	2007-21/89
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Environmental Quality, Air Quality	29658	R307-223	5YR	03/15/2007	2007-7/158
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	30522	R317-100	5YR	10/02/2007	2007-21/88
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	30384	R317-102	AMD	10/22/2007	2007-18/29
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Natural Resources, Water Rights	30246	R655-15	NEW	10/05/2007	2007-16/24
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Natural Resources, Water Resources	30797	R653-8	5YR	12/04/2007	Not Printed
<u>water distribution</u>					
Natural Resources, Water Rights	30246	R655-15	NEW	10/05/2007	2007-16/24
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	30769	R653-5	5YR	11/29/2007	2007-24/50
	30797	R653-8	5YR	12/04/2007	Not Printed
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	29098	R317-1-7	AMD	01/19/2007	2006-20/54
	30382	R317-1-7	AMD	10/22/2007	2007-18/16
	30520	R317-2	5YR	10/02/2007	2007-21/85
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	30535	R317-8	5YR	10/04/2007	2007-21/87
	30516	R317-10	5YR	10/02/2007	2007-21/88
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	30519	R317-6	5YR	10/02/2007	2007-21/87
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Environmental Quality, Water Quality	30520	R317-2	5YR	10/02/2007	2007-21/85
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	30470	R657-9	AMD	11/21/2007	2007-20/33
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	29646	R309-105	AMD	05/14/2007	2007-7/20
	29036	R309-105-9	AMD	01/01/2007	2006-19/68
<u>weapons</u>					
Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/128
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Natural Resources, Water Resources	30769	R653-5	5YR	11/29/2007	2007-24/50
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Natural Resources, Forestry, Fire and State Lands	29467	R652-122-300	NSC	02/13/2007	Not Printed
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<u>wildlife</u>					
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	29351	R657-5	AMD	02/07/2007	2007-1/25
	29923	R657-5	AMD	07/09/2007	2007-11/75
	30063	R657-5	AMD	08/07/2007	2007-13/84
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	30065	R657-9	AMD	08/07/2007	2007-13/88
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	29794	R657-27	5YR	04/04/2007	2007-9/45
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