

# UTAH STATE BULLETIN

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

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

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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# **SPECIAL NOTICES**

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## **Alcoholic Beverage Control Administration**

### **Alcoholic Beverage Control Commission 2008 Meeting Schedule**

Public notice is hereby given of the 2008 calendar year meeting schedule for the Utah Alcoholic Beverage Control (ABC) Commission. The Commission meets monthly at the department's administrative office at 1625 South 900 West in Salt Lake City, Utah. Meetings are normally held on the fourth Thursday of each month at 9:00 a.m. except the meetings are usually held a week early in November and December to accommodate for the holiday season. ABC Commission meetings are open to the public.

*Meeting dates and times are subject to change. To confirm meeting dates and times, contact Sharon Mackay at (801) 977-6801.*

**End of the Special Notices Section**

## NOTICES OF PROPOSED RULES

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A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between December 1, 2007, 12:00 a.m., and December 14, 2007, 11:59 p.m. are included in this, the January 1, 2008, 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 31, 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 30, 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.

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**The Proposed Rules Begin on the Following Page.**



**Community and Culture, History**  
**R212-4**  
**Ancient Human Remains**

**NOTICE OF PROPOSED RULE**

(Repeal and Reenact)

DAR FILE No.: 30820

FILED: 12/12/2007, 11:33

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule filing is made subsequent to the enactment of Section 9-8-309, which gave new responsibilities to the Antiquities Section of the Division of State History under S.B. 204 in the 2007 General Session. The old Rule R212-4 is being repealed because changes made to Section 9-8-303 removed archaeological permitting as a function of the Antiquities Section; as of the expiration of the last existing permit issued by the Antiquities Section in November 2007, the rule is no longer needed. (DAR NOTE: S.B. 204 (2007) is found at Chapter 231, Laws of Utah 2007, and was effective 04/30/2007.)

**SUMMARY OF THE RULE OR CHANGE:** The specific provisions of the repealed rule that are no longer needed include: defined the kinds of archaeological permits required for working in Utah; set minimum qualifications and standards for archaeologists; set standards for excavation permits; identified provisions of permits; and identified processes for issuing and terminating permits. None of these provisions are needed as the division no longer issues archaeological permits. The specific provisions of the reenacted rule include definitions of key terms referred to in statute such as "Native American", "human remains", and "excavate". The new reenacted rule also explicates the time frames in which certain key decisions will be made regarding discovered human remains and within which the Antiquities Section will complete the excavation, analyzing, recovering, reporting, and determining the disposition of ancient human remains of ancient Native American human remains, if needed.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 9-8-309, 9-8-403, and 76-9-704

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** \$100,000 in ongoing funds were appropriated to the Division of State History by the legislature for implementation of Section 9-8-309.

❖ **LOCAL GOVERNMENTS:** The statute and rule change relieve cities, counties, and some state agencies of the responsibility to analyze, care for, and repatriate ancient human remains and places that responsibility with the Antiquities Section of the Division of State History. Funding for this service was provided by the legislature. This rule and statute will save developers and agencies significant time and expense in dealing with ancient human remains. An average of 15 discoveries of human remains per year have been made over the past five years. Removing the expense of lawfully dealing with those remains will save developers, landowners, and

agencies a considerable amount, in addition to significant time savings. In recent years, the costs of excavating and reporting human remains have run from \$3,600 to \$28,000 per individual.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The statute and rule change relieve small businesses or other persons of the responsibility to analyze, care for, and repatriate ancient human remains and places that responsibility with the Antiquities Section of the Division of State History. Funding for this service was provided by the legislature. This rule and statute will save developers and agencies significant time and expense in dealing with ancient human remains. An average of 15 discoveries of human remains per year have been made over the past five years. Removing the expense of lawfully dealing with those remains will save developers, landowners, and agencies a considerable amount, in addition to significant time savings. In recent years, the costs of excavating and reporting human remains have run from \$3,600 to \$28,000 per individual.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The statute and rule change relieve private citizens, cities, and counties of the compliance costs to analyze, care for, and repatriate ancient human remains and places that responsibility with the Antiquities Section of the Division of State History. Funding for this service was provided by the legislature. This rule and statute will save developers and agencies significant time and expense in dealing with ancient human remains. An average of 15 discoveries of human remains per year have been made over the past five years. Removing the expense of lawfully dealing with those remains will save developers, landowners, and agencies a considerable amount, in addition to significant time savings. In recent years the costs of excavating and reporting human remains have run from \$3,600 to \$28,000 per individual.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact on business associated with this amendment. In cases where ancient human remains are found on private lands or by private developers, this rule and the statute it implements will result in a significant cost and time savings for those individuals. Palmer DePaulis, Executive Director

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

**COMMUNITY AND CULTURE  
 HISTORY  
 300 RIO GRANDE  
 SALT LAKE CITY UT 84101-1182, or  
 at the Division of Administrative Rules.**

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Alycia Aldrich at the above address, by phone at 801-533-3556, by FAX at 801-533-3567, or by Internet E-mail at AALDRICH@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Philip F Notarianni, Director

## R212. Community and Culture, History.

### ~~R212 4. Archaeological Permits.~~

#### ~~R212 4 1. General Authority.~~

~~Section 9 8 201 provides for the creation and purpose of the division.~~

~~Section 9 8 203 defines the division's duties and includes the provision to mark and preserve historic sites, areas, and remains.~~

~~Section 9 8 304 specifies the Antiquities section duties and includes responsibility for the stimulation of research, study, and activities in the field of antiquities; the marking, protection, and preservation of sites; the administration of site survey and excavation records; and the cooperation with local, state, and federal agencies and all interested persons to achieve the purposes of this part and Part 4.~~

~~Section 9 8 305 provides that the division shall make rules for the issuance of permits for the survey and excavation of archaeological resources on state lands and allows for the division to enter into memoranda of agreement to issue permits for federal and Native American lands within the state.~~

~~Section 9 8 306 requires a permit to excavate a privately owned designated landmark.~~

~~Section 9 8 307 requires any person who discovers any archaeological resources on privately owned lands to promptly report the discovery to the division and discourages field investigations except by those holding a permit from the division.~~

~~Section 9 8 404 regards the issuance of a permit in consultation with the State Historic Preservation Officer.~~

#### ~~R212 4 2. Purpose.~~

~~The primary purposes of issuing a permit are to:~~

~~A. Ensure that survey, excavation and related work are consistently and reliably executed by qualified personnel; and,~~

~~B. Ensure that educational, scientific, archaeological, anthropological, and historical information is recovered and preserved; and,~~

~~C. Ensure that physical items recovered and owned by the state are not lost to the people of Utah.~~

#### ~~R212 4 3. Applicability.~~

~~This rule applies to all those seeking a permit from the division on any lands within the State of Utah.~~

#### ~~R212 4 4. Definitions.~~

~~A. Terms used in this rule are defined in Section 9 8 302.~~

~~B. In addition:~~

~~1. "board" means the Board of State History;~~

~~2. "division" means the Division of State History;~~

~~3. "director" means the Director of the division;~~

~~4. "recovery" means the scientific disturbance, removal, or study of subsurface and substantial surface archaeological resources by a qualified permit holder.~~

~~5. "permit" means a valid approval by the division issued to professionals meeting qualifications.~~

~~6. "section" means the Antiquities Section of the division.~~

~~7. "surface investigation" means the study, including insubstantial surface collection and limited subsurface testing, of archaeological resources for determination of eligibility for State or National Register.~~

#### ~~R212 4 5. Qualifications of Permit Holders.~~

~~The division shall issue a permit for the survey or excavation of archaeological resources to individuals and entities who demonstrate compliance with the following requirements:~~

~~A. Education, Experience, and Capabilities.~~

~~1. Archaeologists shall meet the minimum standards for education and experience set by federal regulation. The federal regulations, codified as 43 CFR 7.8, Subtitle A (October 1, 2000 Edition) as amended, Issuance of permits are hereby incorporated by reference.~~

~~a) Archaeologists shall be Registered Professional Archaeologists (RPA) in good standing, as recognized by the Register of Professional Archaeologists. Applicants listed on Antiquities Permits at the time this rule takes effect, but who may not meet the standards for RPA status, will not have their permit status revoked.~~

~~2. Applicants shall submit a resume or vita as proof of compliance.~~

~~3. Applicants shall provide written evidence indicating the ability to conduct surveys or the proposed excavation in a manner consistent with current professional practice, including access to proper equipment and facilities, and use of other personnel qualified to execute portions of the research design.~~

~~4. All work conducted under authority of an Antiquities Permit shall be undertaken to current standards of scientific rigor, and must conform to standards established by the Utah Professional Archaeological Council and the Register of Professional Archaeologists.~~

#### ~~R212 4 6. Survey Permit Required for Archaeological Surveys.~~

~~A. A survey permit is issued to a qualified professional upon request. The permit holder may conduct archaeological surveys on behalf of land owners within the State of Utah.~~

#### ~~R212 4 7. Excavation Permits.~~

~~A. The division may issue a permit for excavation on lands owned or controlled by the state and its subdivisions, and on school and institutional trust lands when permitting authority is delegated to the division, when the applicant complies with the requirements of sub-section C.~~

~~B. The division may issue a permit for excavation on other lands, including private lands, when the landowner gives permission and the applicant complies with the requirements of sub-section C.~~

~~C. The division shall require that the applicant:~~

~~1. Provide a research design which:~~

~~a) explicitly states the questions to be addressed;~~

~~b) the reasons for conducting the work;~~

~~c) defines the methods to be used;~~

~~d) describes the analysis to be performed;~~

~~e) outlines the expected results and the plans for reporting;~~

~~f) evaluates expected contributions of the proposed archaeological work to archaeological science and the field of anthropology or related disciplines;~~

~~g) provides for recovery of the maximum amount of historic, scientific, archaeological, anthropological, and educational information;~~

— h) provides that the physical recovery of specimens and the reporting of archaeological information meet current standards of scientific rigor and conforms to standards established by the Utah Professional Archaeological Council and the Register of Professional Archaeologists; and

— i) provides that no specimen, site or portion of any site is removed from the state of Utah, prior to placement in a museum, repository, or curation facility, without explicit permission from the division and after consultation with landowners and any other agency managing any interest in the land.

— 2. Possess written proof of consultation with the appropriate Native American Tribe or Nation, if required by law.

— 3. Provide written proof of consultation with the Museum of Natural History, if required by law.

— 4. Possess written proof of consultation with other agencies that manage other legal interests in the land.

— 5. Provide all other information requested by the division.

#### **R212-4-8. Permit Provisions.**

— All permits shall contain the following provisions:

— A. A permittee shall provide reports documenting results of the work and data obtained, and deliver relevant records, site forms, and reports to the section within the time specified in the permit.

— B. A permittee who discovers human remains shall cease further activity and notify the landowner, antiquities section and appropriate agencies pursuant to Section 9-9-403 and 76-9-704.

— C. Duration of Permits.

— 1. Survey permits are issued for a period of up to two years.

— 2. Permits for excavation are issued for a period of time necessary to accomplish the proposed work.

— a) The period of time may be extended by the division upon application of the permittee and

— b) The Museum of Natural History shall be consulted by the permittee if the duration of a required excavation permit is to be modified.

— D. Other provisions the division deems necessary.

#### **R212-4-9. Application Review.**

— A. Application for a survey or excavation permit shall be made on a form provided by the section. Applicants shall fully complete the application form.

— B. Applicants shall be notified of the acceptance or rejection of the completed application within 30 calendar days.

#### **R212-4-10. Violations of Statute or Rule.**

— If the division receives information indicating a violation of statute or rule, the division shall make a good faith effort to notify the alleged violator of the legal requirements and potential penalties. The division shall also notify the landowner, and take other actions deemed necessary.

#### **R212-4-11. Terminating Permits.**

— If the permittee fails to comply with any statute, rule, or the provisions of the permit, the division may terminate the permit, temporarily suspend the permit, place additional restrictions on a permit, require other conditions, refuse to issue a permit, or take other appropriate actions.

— A. Before action is taken regarding a permit, the division shall notify the permittee.

— 1. The notification shall describe deficiencies in performance or qualifications.

— 2. The division shall provide the permittee a reasonable opportunity to respond.

— B. The division shall take into account a permittee's timely response before taking action on a permit.

— C. The division may seek a peer review as necessary.

#### **R212-4-12. Appeal of Decision.**

— Any applicant desiring review of a decision concerning an application, termination, or other conditions placed on a permit may appeal the decision pursuant to R212-1.

#### **R212-4-13. Records Access.**

— The division shall maintain records of archaeological sites and localities. Access to location information within these records shall be restricted to those with legitimate research interests, and those holding valid permits, landowners, or state or federal agencies in accordance with the requirements contained in 16 USC 470 Section 304, the National Historic Preservation Act of 1966, as amended, and Title 63, Chapter 2.

#### **R212-4-14. Exceptions.**

— Exceptions to this rule may be granted, with landowner permission, in emergency cases requiring immediate action, if in the best judgment of the division the intent of the law will not be compromised. The division shall require that a permit application be filed as soon as possible. The division shall notify the board of this action as soon as possible.

#### **KEY: administrative procedures, archaeology**

**Date of Enactment or Last Substantive Amendment: November 23, 2004**

**Notice of Continuation: August 1, 2006**

**Authorizing, and Implemented or Interpreted Law: 9-8-302; 9-8-305; 9-9-403; 63-2; 16-USC 470 Sec. 304; 43 CFR 7.8 Subtitle A]**

#### **R212-4. Ancient Human Remains.**

##### **R212-4-1. General Authority.**

Section 9-8-309 defines the Antiquities Section's duties with respect to recovery, disposition, and determination of ownership of ancient human remains found on nonfederal lands that are not state lands in the State of Utah.

##### **R212-4-2. Purpose.**

The primary purpose of the 9-8-309 and this rule is to assure that ancient human remains are given respectful, lawful, and scientifically-sound treatment, that landowners are not harmed or burdened by a discovery of ancient human remains on their property, and to ensure that steps are taken to determine lawful ownership of recovered remains.

##### **R212-4-3. Definitions.**

A. "Antiquities Section" means the Antiquities Section of the Division of State History.

B. "ancient" means one-hundred years of age or older.

C. "Native American" means of or relating to a tribe, people, or culture that is indigenous to the United States.

D. "human remains" means all or part of a physical individual, in any stage of decomposition, and objects on or in association with the physical individual that were placed there as part of the death rite or ceremony of a culture

E. "nonfederal land" includes land owned or controlled by the state, a county, city, or town, an Indian tribe, if the land is not held in trust by the United States for the Indian tribe or the Indian tribe's members, a person other than the federal government; or school and institutional trust lands as defined in Section 53C-1-103.

F. "state land" means any land owned by the state including the state's legislative and judicial branches, departments, divisions, agencies, boards, commissions, councils, and committees, institutions of higher education as defined under Section 53B-3-102. "State land" does not include land owned by a political subdivision of the state, land owned by a school district, private land, school and institutional trust lands as defined in Section 53C-1-103.

G. "excavate" means the scientific disturbance or removal of surface or subsurface archaeological resources by qualified archaeologists in compliance with Title 9, Chapter 8, Part 3, Antiquities.

H. "Director" means the Director of the Utah Division of State History.

I. "local law enforcement agency" means the police department, sheriff's office, or other agency having jurisdiction.

#### **R212-4-4. Response to Notification of a Discovery of Ancient Human Remains.**

Human remains that are discovered in conjunction with a project or undertaking subject to Chapter 8, part 4 Historic Sites, or Section 106 of the National Historic Preservation Act, are the responsibility of the project proponents, not the Antiquities Section. The Antiquities Section may however advise, assist and cooperate with responsible agencies in meeting their obligations regarding ancient human remains. For ancient human remains recovered as part of a compliance project from lands covered by 9-8-309, the Antiquities Section will, following appropriate analyses, and if asked, assume the role of the landowner for purposes of determination of ownership as per 9-9-403(8).

The two day period specified in statute 9-8-309(1)(b)(ii)(A) for the Antiquities Section to notify the landowner of intent to excavate begins upon verification that human remains have been discovered, not upon notification, as sometimes nonhuman bones are mistaken for human remains. Care needs to be taken to make certain that the remains in question are indeed ancient human remains. This should generally take no more than a day, but may be longer if laboratory analysis is required. The Antiquities Section will move as quickly as possible to identify the remains and determine whether they are ancient human remains.

Upon verification that ancient human remains have been discovered, the Antiquities Section will gather information and consult as necessary with affected agencies and individuals and within two business days determine a course of action (leave remains in place or excavate and remove remains) and notify the landowner of the decision.

#### **R212-4-5. Excavation and Removal of Ancient Human Remains.**

If excavation and removal are deemed necessary, and the landowner grants permission, the Antiquities Section or its agent will conduct respectful and scientifically-sound investigations of the remains and will remove from the site the remains and associated artifacts and features within five days of receiving permission to excavate. If agreed to by the landowner, the five day limit may be

waived. If extraordinary circumstances (as defined in 9-8-309(1)(c)(i) exist or arise requiring a time extension, the Antiquities Section will notify the landowner immediately.

If the landowner does not grant permission to excavate and remove the ancient human remains, the Antiquities Section will inform the landowner of the legal restrictions regarding human remains as specified in UCA 76-9-704.

Excavated human remains will be examined. Those determined to be Native American will be subject to Chapter 9, Part 4, Native American Grave Protection and Repatriation Act. For the purposes of determining ownership under the act, for all remains excavated under the provisions of this part by the Antiquities Section, the Section will serve in the capacity of the landowner and will make ownership and cultural affiliation determinations in consultation with the Division of Indian Affairs and allowing interested individuals and tribes to assert claims of ownership.

**KEY: ancient human remains, archaeology**

**Date of Enactment or Last Substantive Amendment: 2008**

**Notice of Continuation: August 1, 2006**

**Authorizing, and Implemented or Interpreted Law: 9-8-309; 9-8-403; 76-9-704**

◆ ————— ◆

## Corrections, Administration **R251-114** Offender Long-Term Health Care - Notice

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 30803

FILED: 12/06/2007, 08:28

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to define a consistent format and procedure to provide notification to facilities, and information to the public, when a chronically or terminally ill offender is placed in an assisted living or nursing care facility by the Utah Department of Corrections (UDC), and provide a training program for facility residents and employees to help ensure safety.

SUMMARY OF THE RULE OR CHANGE: This new rule implements Section 64-13-39.5 as enacted in the 2007 General Session in H.B. 114. This section requires the UDC to give notice and to provide training when an offender is placed in a long-term care facility. It also places responsibilities on the care facility administration to assist in these functions. (DAR NOTE: H.B. 114 (2007) is found at Chapter 343, Laws of Utah 2007, and was effective 04/30/2007.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 64-13-39.5

## ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The UDC estimates it will spend about 10 hours total, per offender, in compliance to this rule, and that minimal supplies would be used. During the past five to six years, the department has placed ten offenders into one of these facilities, for an average of two per year. The average cost to the state budget for a fiscal year would be approximately \$321 per placement, and \$642 per year.

❖ **LOCAL GOVERNMENTS:** There will be no local government cost or savings because Section 64-13-39.5, and this rule, apply only to the UDC and private businesses operating as a care facility for chronically or terminally-ill offenders.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There will be a small business compliance cost to care facilities. Section 64-13-39.5 places specific responsibilities on facility administrators. This rule mirrors that section. The costs would consist of the time value assigned to the staff who are administering those responsibilities, and of those staff attending the training provided by UDC. There are no anticipated costs to persons other than businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The compliance costs for care facilities larger than 50 employees will be the same as for small businesses. No other affected persons are involved.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The costs associated with this new rule are very minimal because of the State average of two placements per year. Thomas E. Patterson, Executive Director

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

CORRECTIONS  
ADMINISTRATION  
14717 S MINUTEMAN DR  
DRAPER UT 84020-9549, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gary Ogilvie at the above address, by phone at 801-545-5514, by FAX at 801-545-5523, or by Internet E-mail at [gogilvie@utah.gov](mailto:gogilvie@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Thomas E. Patterson, Executive Director

**R251. Corrections, Administration.****R251-114. Offender Long-Term Health Care - Notice.****R251-114-1. Authority and Purpose.**

- (1) This rule is authorized under Section 64-13-39.5.
- (2) The purpose of this rule is to define a consistent format and procedure to provide notification to facilities, and information to the

public, when a chronically or terminally ill offender is placed in an assisted living or nursing care facility by the UDC, and provide a training program for facility residents and employees to help ensure safety.

**R251-114-2. Definitions.**

(1) "Chronically ill" has the same meaning as in Section 31A-36-102.

(2) "Facility" means an assisted living facility as defined in Subsection 26-21-2(5) and a nursing care facility as defined in Subsection 26-21-2(17), except that transitional care units and other long term care beds owned or operated on the premises of acute care hospitals or critical care hospitals are not facilities for the purpose of this section.

(3) "Offender" means an inmate given an early release, pardon, or parole due to a chronic or terminal illness.

(4) "Terminally ill" has the same meaning as in Subsection 31A-36-102(11).

(5) "UDC" and "Department" means Utah Department of Corrections.

**R251-114-3. Policy.**

It is the policy of the Department if an offender is admitted as a resident of a facility due to a chronic or terminal illness:

(1) UDC shall provide written notice to the administrator of any facility no later than 15 days prior to an offender's admission as a resident.

(2) Notice to a facility shall include the offense for which the offender was convicted, a description of the actual offense, the offender's status with the Department, that the information provided by the Department regarding the offender shall be provided to employees of the facility no later than ten days prior to the offender's admission to the facility, the contact information for the offender's parole officer if the offender is on parole, and a point of contact within the Department.

(3) UDC shall make available to the public on the UDC web page, and upon request, the name and address of the facility where the offender resides, and the date the offender was placed at the facility.

(4) UDC shall provide a training program for the employees who work at the facility where the offender(s) reside, to help ensure the safety of both employees and facility residents.

(5) When the offender is placed by a department or agency from another state, and that department or agency requests it, the UDC shall provide the facility training, if that training has not already been provided, and the UDC may negotiate with the other state for any necessary compensation for this service.

(6) Facility training shall include the duties the administrator of the facility has under Section 64-13-39.5 to provide residents of the facility, or their guardians, notice that a convicted felon is being admitted to the facility no later than ten days prior to the offender's admission, to advise potential residents/guardians of current offenders who are residents of the facility, and to assist the UDC training in the safe management of offenders for all employees.

**KEY: chronically ill, terminally ill, facility notice**

**Date of Enactment or Last Substantive Amendment: 2008**

**Authorizing, and Implemented or Interpreted Law: 64-13-39.5**

Education, Administration  
**R277-423**  
 Delivery of Flow Through Money

**NOTICE OF PROPOSED RULE**  
 (Amendment)

DAR FILE No.: 30845  
 FILED: 12/14/2007, 13:33

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to remove repealed statutory references; and to change the date when financial data is provide by the Utah State Office of Education to school district and charter schools; and to include charter school language.

SUMMARY OF THE RULE OR CHANGE: The amendments include inserting charter school language throughout the rule; changing the date that financial data must be provide by the Utah State Office of Education to school districts and charter schools; and to provide more thorough and accurate accounting by local education agencies.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-402(1) and 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There are no anticipated costs to the state budget because of the amendments to this rule. Terminology and date changes do not result in increased or decreased costs. There may be minor savings to the state because of the method for transmission of funding information changing from U.S. Mail to electronic transfer.
- ❖ LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government. Terminology changes, a date change, and the manner in which funding information is transmitted do not result in any cost or savings.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated cost or savings to small businesses AND persons other than businesses. The rule and changes relate to delivery of flow through money from the Utah State Office of Education to school districts and charter schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because of the amendments to this rule. The rule and changes relate delivery of flow through money from the Utah State Office of Education to school districts and charter schools.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION  
 ADMINISTRATION  
 250 E 500 S

SALT LAKE CITY UT 84111-3272, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

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

**R277. Education, Administration.**  
**R277-423. Delivery of Flow Through Money.**  
**R277-423-1. Definitions.**

A. "State-supported minimum school program" means school programs for kindergarten, elementary, and high schools which may be operated and maintained for the total of costs set by the Legislature annually.

B. "Bank transfer" means a monthly deposit of money to each school district's or charter school's bank as authorized by the USOE via the State Treasurer and agent bank.

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

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

E. "Flow through money" means state funds appropriated under the state-supported minimum school program and federal funds, both of which are administered by the Board and disbursed to individual school districts and charter schools.

**R277-423-2. Authority and Purpose.**

A. This rule is authorized by Article X, Section 3 of the Utah Constitution which vests general control and supervision of public education in the Board, Section 53A-1-402(1)~~[(f), U.C.A. 1953,]~~ which directs the Board to establish rules for the minimum school program, and Section 53A-1-401(3)~~[, U.C.A. 1953,]~~ which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to describe the process whereby flow through money is disbursed to school districts and charter schools.

**R277-423-3. Procedures.**

A. An estimate of the amount of each school district's and charter school's share of state funds appropriated for the state-supported minimum school program is~~[-annually]~~ made by the USOE annually before June ~~[21]~~30. The estimate shall indicate, for each district and charter school, its estimated number of units and the cost of its state-supported minimum school programs. One-twelfth of the district's and charter school's share of the state funds constitutes monthly payments. The estimates are revised periodically to accurately represent one-twelfth of the district's and charter school's share of the state funds. A final statement is made with districts and charter schools following the end of the fiscal year.

B. State and federal funds shall be transferred to school districts and charter schools by means of bank transfers.

(1) The USOE shall prepare a summary listing funds for each individual program and total funds for each school district and charter school which shall be mailed electronically to each school district and charter school. It shall also prepare a summary listing the designated bank and amount of funds for each school district and charter school on the electronic funds transfer memo for the state designated agent bank and the State Treasurer[;].

(2) [¶]The USOE shall, in a timely manner, complete the necessary accounting work for the transfer of funds and deliver the [warrant]-request to the State Department of Finance. The USOE shall coordinate the letter of credit for federal funds withdrawal for deposit with the State Treasurer in accordance with the cash management agreement with the US Treasury[;].

(3) [¶]The State Department of Finance shall complete necessary accounting work to have [state warrants available]funds authorized for release [to]by the State [Auditor's]Treasurer's office[;].

(4) [¶]The State Treasurer's office shall release [state warrants]funds in accordance with the electronic funds transfer memo to the state designated agent bank in time to ensure deposit of funds in each school district's and charter school's designated bank by 11:00 a.m. on the last working day of each month[;].

(5) [¶]The state designated agent bank shall deposit funds to each school district's and charter school's designated account by 11:00 a.m. on the last working day of each month.

(6) LEAs shall keep bank account transfer information accurate and current to enable the monthly transfers of funds to be completed in a timely manner; all information shall be sent to the USOE audit/finance specialist in the School Finance and Statistics Section at the USOE.

C. When a disruption occurs in the procedure specified in Subsection 3(B), the USOE shall coordinate transfer procedures in a timely manner.

D. The USOE may administer state and federal flow through money for state institutions and private and parochial schools. It prepares and processes vouchers for the funds and forwards warrant requests authorizing the State Treasurer to make payment to the identified recipient.

#### **R277-423-4. Reports.**

A school district or charter school that fails to meet deadlines for submitting to the USOE reports that are necessary to calculate its share of state funds or that fails to meet deadlines for the annual audit report may have its state funds withheld until an acceptable report is filed with the USOE in accordance with R277-484, Data Standards. [~~Required reports and their deadlines are:~~

- A. The F-16 uniform school budget report, due July 15.
- B. The S-3 annual statistical report:
  - (1) S-3 Part I, due June 15;
  - (2) S-3 Part II, due June 30;
  - (3) S-3 Page III, due July 15.
- C. The final sections of the F-4 annual financial reports, due October 1.
- D. The external audit report, due November 30.]

**KEY: education finance**

**Date of Enactment or Last Substantive Amendment: [1987]2008**

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

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(f); 53A-1-401(3)**



## Education, Administration **R277-470-7** Timelines - Charter School Starting Date

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30846

FILED: 12/14/2007, 13:33

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This section is amended to include the date of January 1 of the year a charter school is scheduled to open as the deadline for a charter school to acquire a facility (by written agreement) or begin construction on a new or existing facility.

**SUMMARY OF THE RULE OR CHANGE:** The new language provides the date of January 1 of the year the charter school is scheduled to open as the deadline for the charter school to acquire a facility (by written agreement) or begin construction on a new or existing facility.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53A-1a-513 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 new language provides a timeline for charter schools which will help them provide a timely, permanent and adequate facility for students. This has no state budget impact.

❖ **LOCAL GOVERNMENTS:** There are no anticipated cost or savings to the local government. The new language provides a timeline for charter schools which will help them provide a timely, permanent and adequate facility for students. This has no charter school budget impact. Charter schools are local education/governmental units.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There are no anticipated cost or savings to small businesses AND persons other than businesses. The new language provides a timeline for charter schools which will help them provide a timely, permanent and adequate facility for students. This has no small businesses impact or impact on other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. The new language provides a timeline for charter schools which will help them provide a timely, permanent and adequate facility for students.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

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

## **R277. Education, Administration.**

### **R277-470. Charter Schools.**

#### **R277-470-7. Timelines - Charter School Starting Date.**

A. The State Charter School Board shall accept a proposed starting date from a charter school applicant, or the State Charter School Board shall negotiate and recommend a starting date prior to recommending final charter approval to the Board.

B. A local or state-chartered school shall be approved by November 30, two years prior to the school year it intends to serve students in order to be eligible for state funds.

C. A local or state-chartered school shall acquire a facility and enter into a written agreement, or begin construction on a new or existing facility no later than January 1 of the year the school is scheduled to open.

[C]D. If students are not enrolled and attending classes by October 1, a charter school shall not receive funding from the state for that school year.

[D]E. Despite a charter school meeting starting dates, a charter school shall be required to satisfy R277-419 requirements of 180 days and 990 hours of instruction time, unless otherwise exempted by the Board under 53A-1a-511.

[E]F. The Board may, following review of information, approve the recommended starting date or determine a different charter school starting date after giving consideration to the State Charter School Board recommendation.

**KEY: education, charter schools**

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

**Notice of Continuation: October 31, 2003**

**Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1a-515; 53A-1a-505; 53A-1a-513; 53A-1a-502; 53A-1-401(3); 53A-1a-510; 53A-1a-509; 41-6-115**



## Education, Administration

# R277-609

## Standards for School District Discipline Plans

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30847

FILED: 12/14/2007, 13:33

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide guidance to school districts and charter schools as they incorporate language regarding disruptive students into their school discipline plans as required by H.B. 286, 2007 Legislative General Session. (DAR NOTE: H.B. 286 (2007) is found at Chapter 161, Laws of Utah 2007, and was effective 04/30/2007.)

SUMMARY OF THE RULE OR CHANGE: The rule provides new definitions; defines appropriate staff training; broadens the range of staff to be trained; requires training about bullying; and requires parent and guardian notification of students' disruptive behavior.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Section 53A-11-901

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated cost or savings to the state budget. Any changes or revisions have to be made at the local level.

❖ LOCAL GOVERNMENTS: There may be some cost to school districts and charter schools for training staff regarding student disruptive behavior, student bullying, intervention strategies, and notification of parents for disruptive student behavior. School districts and charter schools will perform required responsibilities with existing funds.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated cost or savings to small business AND persons other than businesses. All costs related to these amendments will be borne by local school boards and charter schools. There will be no costs for individuals or businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Any required costs to comply with the requirements of this rule will be absorbed within existing funds by school districts and charter schools as they train staff and implement the rule.



COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

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

## **R277. Education, Administration.**

### **R277-609. Standards for School District, School and Charter School Discipline Plans.**

#### **R277-609-1. Definitions.**

- A. "Board" means the Utah State Board of Education.
- B. "Bullying" means behavior that:
- (1) is intended to cause harm or distress;
  - (2) exists in a relationship in which there is an imbalance of power; and
  - (3) may be repeated over time.
- C. "Discipline" means:
- (1) Imposed discipline: Code of conduct prescribed for the highest welfare of the individual and of the society in which the individual lives; and
  - (2) Self-Discipline: A personal system of organized behavior designed to promote self-interest while contributing to the welfare of others.
- D. "Disruptive student behavior" includes:
- (1) the grounds for suspension or expulsion described in Section 53A-11-904; and
  - (2) the conduct described in Section 53A-11-908(2)(b).
- E. "Plan" means a school district-wide and school-wide written model for prevention and intervention for student behavior management and discipline procedures for students who habitually disrupt school environments and processes.
- F. "Qualifying minor" means a school-age minor who:
- (1) is at least nine years old; or
  - (2) turns nine years old at any time during the school year.
- G. "USOE" means the Utah State Office of Education.

#### **R277-609-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, ~~and~~ Section 53A-1-402(1)(b) which requires the Board to establish rules concerning discipline and control, and Section 53A-11-901 which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards.

B. The purpose of this rule is to define bullying and outline requirements for school discipline plans and policies which school districts and charter schools shall meet to qualify for funding.

#### **R277-609-3. School District ~~and~~, School and Charter School Responsibility to Develop Plans.**

A. Each school district, or school and each charter school shall develop and implement a board approved comprehensive school district, school or charter school plan or policy for student and classroom management, and school discipline. The plan shall include:

- (1) the definitions of Section 53A-11-910;
- (2) written standards for student behavior expectations, including school and classroom management;
- (3) effective instructional practices for teaching student expectations, including[
  - ~~(1) goals and objectives, giving special emphasis to the teaching and practice of]~~ self-discipline, citizenship, civic skills, and social skills;
  - (4) systematic methods for reinforcement of expected behaviors and uniform methods for correction of student behavior;
  - (5) uniform methods for at least annual school level data-based[
    - ~~(2) an] evaluations of efficiency and effectiveness[~~process whereby the goals and objectives are assessed annually];~~~~
    - (3) an ongoing staff development program related to [student self-discipline, good citizenship, and social skills]development of student behavior expectations, effective instructional practices for teaching and reinforcing behavior expectations, effective intervention strategies, and effective strategies for evaluation of the efficiency and effectiveness of interventions;
    - (4) policies and procedures relating to the use and abuse of alcohol and controlled substances by students; ~~and~~
    - (5) policies to define, prohibit, and intervene in bullying, including the requirement of awareness and intervention strategies, including training for social skills, for students, parents, and school staff. The policies shall:
      - (a) provide for training specific to overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
      - (b) provide for training specific to relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
      - (c) provide for training specific to cyber bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;

(d) provide for student assessment of the prevalence of bullying in school[~~s/school~~] districts, schools and charter schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas;

(e) complement existing safe and drug free school policies and school harassment and hazing policies; and

(f) include strategies for providing students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches, with awareness and intervention skills such as social skills training[~~;~~].

B. The plan shall also provide direction to school districts for dealing with disruptive students. This part of the plan shall:

(1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

(2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student behavior; and

(3) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court.

C. School district or school plans or sections of plans, including directives about bullying and disruptive students, shall also:

([g]1) include strategies to provide for necessary adult supervision;

([h]2) be clearly written and consistently enforced; and

([g]3) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility. [

~~— B. Each school district and school shall develop written standards for behavior and class and school management, including consequences for appropriate and inappropriate behavior. The standards shall be developed by administration, instruction and support staff, students, parents, and community members in such a manner as to create widespread understanding and a sense of participation, ownership, support, and responsibility.~~

~~— C. All discipline policies and procedures, including notice to parents and students and student due process, shall be in accordance with the law.]~~

#### **R277-609-4. ~~[Intervention]~~Implementation.**

A. School districts, schools and charter schools shall implement strategies and policies consistent with their plans.

B. School districts, schools and charter schools shall develop, use and monitor [A]a continuum of intervention strategies[~~shall be made available~~] to assist students whose behavior in school [is]falls repeatedly short of reasonable expectations[~~. Earnest and persistent effort shall be made to resolve individual discipline problems within the least restrictive school setting.~~], including teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to administrative referral.

C. As part of any suspension or expulsion process that results in court involvement, once a school district, school or charter school receives information from the courts that disruptive student behavior

will result in court action, the school district, school or charter school shall provide a formal written assessment of habitually disruptive students. Assessment information shall be used to connect parents and students with supportive school and community resources.

D. Nothing in state law or this rule restricts local districts/charter schools from implementing policies to allow for suspension of students of any age consistent with due process and with all requirements of Individuals with Disabilities Education Act 2004.

#### **R277-609-5. Parent/Guardian Notification and Court Referral.**

A. Through school administrative and juvenile court referral consequences, school district, and school and charter school policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.

B. Policies shall provide for notice to parents and information about resources available to assist parents in resolving school-age minors' disruptive behavior.

C. Policies shall provide for notices of disruptive behavior to be issued by schools to qualifying minor(s) and parent(s) consistent with:

(1) numbers of disruptions and timelines in accordance with Sections 53A-11-901 (3) and (5);

(2) school resources available; and

(3) cooperation from the appropriate juvenile court in accessing student school records, including attendance, grades, behavioral reports and other available student school data.

D. Policies shall provide due process procedures for minors and parents to contest allegations and citations of disruptive student behavior.

#### **R277-609-6. USOE Model Policies.**

The USOE shall develop, review regularly, and provide to local school boards and charter school governing boards model policies to address disruptive student behavior and appropriate consequences.

#### **KEY: disciplinary actions, disruptive students**

**Date of Enactment or Last Substantive Amendment: [August 8, 2006]2008**

**Notice of Continuation: August 10, 2004**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-402(1); [53A-3-602.5]53A-11-901**

◆ ————— ◆

## Education, Administration

# R277-719

## Standards for Selling Foods Outside of the Reimbursable Meal in Schools

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 30848

FILED: 12/14/2007, 13:35

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to outline requirements for school district and charter school policies for foods sold outside of the reimbursable meal service.

SUMMARY OF THE RULE OR CHANGE: The rule provides: 1) definitions; 2) requires schools to have a policy about school vending machines that includes acceptable uses of vending machine income and acceptable accounting procedures for vending machine receipts; and 3) requires school districts and charter schools to have a written policy for the sale of all foods that are not part of the reimbursable food sales program. This policy may prohibit the sale of foods of minimum nutritional value. The State Board of Education shall review information provided by school districts and charter schools in January 2009.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

## ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There are no anticipated cost or savings to the state budget. Any costs related to this rule will be the responsibility of school districts and charter schools.
- ❖ LOCAL GOVERNMENTS: School districts and charter schools may have some costs or savings related to this rule. Whether school vending machine or food sales programs will lose money if they provide only nutritional foods is highly speculative.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND other persons due to this rule. School districts and charter schools are responsible for implementation and any costs related to the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: School districts and charter schools may have some compliance costs as a result of this rule. Any compliance costs will be absorbed within existing budgets and will be assessed by the State Board of Education in January 2009.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

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

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

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

**R277. Education, Administration.****R277-719. Standards for Selling Foods Outside of the Reimbursable Meal in Schools.****R277-719-1. Definitions.**

- A. "Board" means the Utah State Board of Education.
- B. "Foods of minimal nutritional value" as provided in 7 CFR 210, Appendix B, are:
- (1) Soda Water--A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 deg F. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein;
- (2) Water Ices--As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices which contain fruit or fruit juices are not included in this definition;
- (3) Chewing Gum--Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing;
- (4) Certain Candies--Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
- (a) Hard Candy--A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops;
- (b) Jellies and Gums--A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices;
- (c) Marshmallow Candies--An aerated confection composed as sugar, corn syrup, invert sugar, 20 percent water and gelatin or egg white to which flavors and colors may be added;
- (d) Fondant--A product consisting of microscopic-sized sugar crystals which are separated by thin film of sugar and/or invert sugar in solution such as candy corn, soft mints;
- (e) Licorice--A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root;
- (f) Spun Candy--A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine; and
- (g) Candy Coated Popcorn--Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.

C. "Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food in bulk or in packages.

D. "Unit" means per container, package or amount served.

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

#### **R277-719-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, Section 53A-19-201(1) which allows the Board to set standards relating to the use of school lunch revenues, and Section 53A-1-402(1)(e) which requires the Board to establish rules concerning school productivity and cost effectiveness measures and federal programs.

B. The purpose of this rule is to outline requirements for school district and charter school policies regarding foods sold outside of the reimbursable meal service.

#### **R277-719-3. District and School Policies Regarding Vending Machines.**

A. Each school district and charter school shall develop and implement a policy for schools that choose to provide vending machines.

B. The policy shall include:

(1) a requirement that all agreements for vending machines be in writing in a contract form approved by the local board of education or charter school governing board;

(2) accepted uses of vending machine income; and

(3) generally accepted accounting procedures, including periodic reports to the district of vending machine receipts and expenditures.

#### **R277-719-4. District and School Policies Regarding Other Food Sales on Campus.**

A. Each charter school and school district shall adopt a written policy for the sale of all foods that are not part of the reimbursable lunch, breakfast or after-school snack programs (i.e., vending, a la carte or other food sales). The policy shall apply to all foods sold anywhere on school grounds during the school day when school is in session in all areas of the school accessible to students.

B. The policy may:

(1) prohibit the sale of foods of minimal nutritional value.

(2) limit all foods to no more than 300 calories per unit.

(3) prohibit foods:

(a) that are more than 35 percent total fat (not including nuts, seeds, non-fat and low-fat dairy);

(b) in which more than 10 percent of the total calories come from saturated fat (not including nuts, seeds, non-fat and low-fat dairy);

(c) that contain any trans fats;

(d) that list "caffeine" as an ingredient;

(e) in which more than 35 percent of the product is sugar by weight (not including 100 percent fruit or vegetable juice with no added sugars; fruits; vegetables; nonfat or low-fat milk or yogurt); or

(f) with a sodium content greater than 200 mg per portion (not including 100 percent fruit or vegetable juice; fruits; vegetables; nonfat or low-fat milk, yogurt or cheese).

(4) limit beverage size to no more than 20 ounces, excluding water.

#### **R277-719-5. Miscellaneous Provisions.**

A. The provisions of this rule shall become effective no later than July 2, 2008 or when existing contracts expire.

B. School districts/charter schools shall provide to the USOE by January 12, 2009 a copy of the school district's/charter school's policy required under R277-719-4A.

C. The Board shall review the information received by charter schools/school districts no later than 60 days after the receipt of information and make available a report of findings and conclusions.

#### **KEY: schools, foods, nutrition, vending machines**

**Date of Enactment or Last Substantive Amendment: 2008**  
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-19-201(1); 53A-1-402(1)(e)**



## Labor Commission, Adjudication **R602-2-4** Attorney Fees

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30811

FILED: 12/07/2007, 13:19

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to increase the fees that applicant's attorneys can charge their clients in workers' compensation cases. The rule change also defines the fees and costs in these cases for which attorneys can claim reimbursement.

SUMMARY OF THE RULE OR CHANGE: The rule change allows applicant's attorneys to charge a larger percentage contingency fee against workers' compensation disability or survivors' benefits. Specifically, for legal services rendered in proceedings before the Commission, the percentage amounts are increased from 20% to 25% of the first \$25,000 of such benefits; from 15% to 20% on the next \$25,000 of benefits, and from 10% to 15% on any remaining balance of benefits. Likewise, the maximum fee that can be charged for such services is increased from \$12,250 to \$15,250. The rule change also allows a larger percentage contingency fee to be charged in proceedings before the Court of Appeals (increasing from 25% to 30%) and in proceedings before the Supreme Court (from 30% to 35%) and makes similar increases to the maximum fee that can be charged in those cases. Finally, the rule specifically identifies the expenses, fees, and costs for which an applicant's attorney may obtain reimbursement from his client.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-1-301 et seq. and 63-46b-1 et seq.

## ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Because the proposed rule does not change the amount of compensation an employer or insurance carrier must pay to an injured worker, the proposed change will have no impact on the state budget in its capacity as an employer. The commission does not anticipate that the proposed rule will have any impact on the commission's costs in administering the workers' compensation system.

❖ LOCAL GOVERNMENTS: Because the proposed rule does not change the amount of compensation an employer or insurance carrier must pay to an injured worker, the proposed change will have no impact on local governments in their capacity as employers.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Because the proposed rule does not change the amount of compensation an employer or insurance carrier must pay to an injured worker, the proposed change will have no impact on small businesses in their capacity as employers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The individuals affected by the proposed rule change are those persons who hire an attorney to represent them in claiming workers' compensation benefits and who then receive an award of disability compensation. In such cases, the proposed rule will allow the successful attorney to charge a contingency fee based on a larger percentage of the disability award than would have been allowed under the former rule. While the dollar amount will vary from case to case, the amount will be higher in all cases. For example, an injured worker who is awarded disability compensation of \$80,000 can be charged attorneys fees of \$14,250 under the proposed rule, whereas the fee would have been limited to \$11,712.50 under the former rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses will not be affected by the increased applicants' attorneys' fees permitted by the proposed rule. The increased attorneys fees will be deducted from the insured workers' disability benefits and will not increase the gross amount of those awards. Sherrie Hayashi, Commissioner

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

LABOR COMMISSION  
ADJUDICATION  
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:

Richard M. Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at [rlajeunesse@utah.gov](mailto:rlajeunesse@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Sherrie Hayashi, Commissioner

**R602. Labor Commission, Adjudication.****R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims.****R602-2-4. Attorney Fees.**

A. Pursuant to Section 34A-1-309, the Commission adopts the following rule to regulate and fix reasonable fees for attorneys representing applicants in workers' compensation or occupational illness claims.

1. This rule applies to all fees awarded after July 1, 2007.

2. Fees awarded prior to the effective date of this rule are determined according to the prior version of this rule in effect on the date of the award.

B. Upon written agreement, when an attorney's services are limited to consultation, document preparation, document review, or review of settlement proposals, the attorney may charge the applicant an hourly fee of not more than \$125 for time actually spent in providing such services, up to a maximum of four hours.

1. Commission approval is not required for attorneys fees charged under this subsection B. It is the applicant's responsibility to pay attorneys fees permitted by this subsection B.

2. In all other cases involving payment of applicants' attorneys fees which are not covered by this subsection B., the entire amount of such attorneys fees are subject to subsection C. or D. of this rule.

C. Except for legal services compensated under subsection B. of this rule, all legal services provided to applicants shall be compensated on a contingent fee basis.

1. For purposes of this subsection C., the following definitions and limitations apply:

a. The term "benefits" includes only death or disability compensation and interest accrued thereon.

b. Benefits are "generated" when paid as a result of legal services rendered after an Appointment of Counsel form is signed by the applicant. A copy of this form must be filed with the Commission by the applicant's attorney.

c. In no case shall an attorney collect fees calculated on more than the first 312 weeks of any and all combinations of workers' compensation benefits.

2. Fees and costs authorized by this subsection shall be deducted from the applicant's benefits and paid directly to the attorney on order of the Commission. A retainer in advance of a Commission approved fee is not allowed.

3. Attorney fees for benefits generated by the attorney's services shall be computed as follows:

a. For all legal services rendered through final Commission action, the fee shall be ~~20%~~25% of weekly benefits generated for the first ~~[\$24,275]~~\$25,000, plus ~~15%~~20% of the weekly benefits generated in excess of ~~[\$24,275]~~\$25,000 but not exceeding ~~[\$48,550]~~\$50,000, plus 10% of the weekly benefits generated in excess of ~~[\$48,550]~~\$50,000, to a maximum of ~~[\$12,250]~~\$15,250.

b. For legal services rendered in prosecuting or defending an appeal before the Utah Court of Appeals, an attorney's fee shall be awarded amounting to ~~25%~~30% of the benefits in dispute before the Court of Appeals. This amount shall be added to any attorney's fee awarded under subsection C.3.a. for benefits not in dispute before the

Court of Appeals. The total amount of fees awarded under subsection C.3.a. and this subsection C.3.b. shall not exceed ~~[\$17,900]~~\$22,000;

c. For legal services rendered in prosecuting or defending an appeal before the Utah Supreme Court, an attorney's fee shall be awarded amounting to ~~[30%]~~35% of the benefits in dispute before the Supreme Court. This amount shall be added to any attorney's fee awarded under subsection C.3.a. and subsection C.3.b. for benefits not in dispute before the Supreme Court. The total amount of fees awarded under subsection C.3.a, subsection C.3.b. and this subsection C.3.c shall not exceed ~~[\$23,550]~~\$27,000.

~~[4. In addition to attorneys fees authorized by this subsection, a prevailing applicant's attorney shall be awarded reasonable and necessary costs actually incurred in the prosecution of the applicant's claim, as determined by the ALJ.]~~D. The following expenses, fees and costs shall be presumed to be reasonable and necessary and therefore reimbursable in a workers compensation claim:

- 1. Medical records and opinion costs;
  - 2. Deposition transcription costs;
  - 3. Vocational and Medical Expert Witness fees;
  - 4. Hearing transcription costs;
  - 5. Appellate filing fees; and
  - 6. Appellate briefing expenses.
- F. Other reasonable expenses, fees and costs may be awarded as reimbursable as the Commission may in its discretion decides in a particular workers compensation claim.

~~[D]E.~~ In "medical only" cases in which awards of attorneys' fees are authorized by Subsection 34A-1-309(4), the amount of such fees and costs shall be computed according to the provisions of subsection C and D.

**KEY:** workers' compensation, administrative procedures, hearings, settlements  
**Date of Enactment or Last Substantive Amendment:** ~~[July 24, 2007]~~2008  
**Notice of Continuation:** August 15, 2007  
**Authorizing, and Implemented or Interpreted Law:** 34A-1-301 et seq.; 63-46b-1 et seq.



**Labor Commission, Adjudication**  
**R602-3-3**  
**Procedure for Requesting Approval**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 30810  
FILED: 12/07/2007, 12:35

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to include owners of annuity contracts in the group of interested parties who are entitled to notice of any request to assign the benefits funded by the annuity contract.

**SUMMARY OF THE RULE OR CHANGE:** This rule change amends Subsection R602-3-3(C)(2) of the rule by adding "owner" to the list of interested parties to whom the commission must

send a copy of a petition for approval of transfer of payment rights.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-1-301 et seq. and 63-46b-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Although this rule change requires the Labor Commission to send copies of petitions for approval of transfer of payment rights to "owners", that obligation will not add appreciably to the commission's operating costs and will not result in any cost or savings to the state budget.
- ❖ **LOCAL GOVERNMENTS:** This amendment does not require any action on the part of local government and will not result in any cost or savings to local government.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This amendment does not require any action on the part of small businesses or persons other than businesses and will not result in any cost or savings to those businesses or persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Although this rule change will require the commission to mail a copy of any petition for approval of transfer of payment rights to an additional entity, the owner of any annuity contract that funds the subject payment rights, that duty imposes no appreciable additional cost or administrative burden on the commission. No other person or entities will incur any compliance costs in connection with this requirement.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** By providing notice of petitions for approval of transfer of payment rights, this rule change will allow owners of annuity contracts that fund such payment rights to monitor and protect their interests. In that sense, the rule may have a positive fiscal impact on such businesses. Sherrie Hayashi, Commissioner

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

LABOR COMMISSION  
ADJUDICATION  
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:

Richard M. Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at rlajeunesse@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Sherrie Hayashi, Commissioner

**R602. Labor Commission, Adjudication.****R602-3. Procedure and Standards for Approval of Assignment of Benefits.****R602-3-3. Procedure for Requesting Approval.**

A. Petition. The transferee shall fully complete the Commission's "Petition for Approval of Transfer of Payment Rights" form. The transferee shall then file the completed petition with the Commission's Adjudication Division. The Adjudication Division shall return to the transferee any petition that is not fully completed, signed, and accompanied with all required documentation.

B. Documentation. Subsection 34A-2-422(3)(b)(ii)(A) requires that the transferor of workers' compensation payment rights receive adequate notice of the workers' compensation benefits proposed to be transferred, as well as an explanation of the financial consequences of, and alternatives to, the proposed transfer. The Commission will therefore require the following documentation to accompany every Petition for Approval of Transfer of Payment Rights.

1. Notice and explanation. The transferee shall provide written notice and explanation of the proposed transfer to the transferor in writing, with receipt confirmed by the transferor's signature.

a. The notice and explanation must be in plain language. If the transferor is of limited English proficiency, the notice and explanation must also be provided in writing in the transferor's native language.

b. The notice and explanation must contain each of the following items in full detail:

- i. A description of the specific workers' compensation payment rights proposed to be transferred;
- ii. An explanation of the legal effect of the transfer;
- iii. An explanation of all alternatives to the proposed transfer; and

iv. A recommendation that the transferor obtain independent professional advice regarding the advisability of the proposed transfer and the terms of the proposed transfer.

2. Disclosure of financial information. The transferee shall provide written disclosure of financial information regarding the proposed transfer to the transferor, with receipt confirmed by the transferor's signature.

a. The disclosure of financial information must be in plain language. If the transferor is of limited English proficiency, the disclosure must also be provided in writing in the transferor's native language.

b. The disclosure of financial information must contain each of the following items full detail:

- i. The amount and due date of each payment to be transferred;
- ii. The sum of all payments to be transferred;
- iii. The present value of the payments to be transferred, computed in the same manner and using the same discount rate by which future annuity payments are discounted to present value for federal estate tax purposes;
- iv. The gross amount payable by the transferee in exchange for the payments to be transferred;
- v. The implied annual interest rate that the transferor would be paying if the transfer were viewed as a loan to the transferor of the net amount payable by the transferee, to be paid in installments corresponding to the transferred payments.

vi. An itemized listing any amount to be deducted from the gross payment, with detailed explanation of the reason for such deduction and the method for computing the deduction;

vii. The net amount to be paid to the transferee;

viii. The amount and method of calculation of any penalties or liquidated damages for which the transferor might be liable under the transfer agreement; and

ix. A statement of the tax consequences of the transfer.

3. Source of workers' compensation payment rights. The transferee shall provide an authenticated copy of the document(s) that establish the transferor's right to the workers' compensation payment rights that are proposed to be transferred.

4. All agreements between the transferor and transferee. All agreements between the transferor and transferee must be in writing and signed by both the transferor and the transferee. The transferee will provide true and correct copies of all such documents.

C. Notice to other interested parties. After the Adjudication Division has received a petition for approval of transfer of payment rights, and has determined that the petition is complete and is supported by all necessary documentation, the Division will mail copies of the petition and supporting documentation to the following:

1. Each party and attorney who participated in the underlying workers' compensation claim;

2. If the payment right to be transferred arises under a structured workers' compensation settlement, the issuer and owner of the annuity contract that funds the settlement;

3. Any other party having rights or obligations with respect to the payment rights proposed to be transferred;

4. An ombudsman designated by the Industrial Accidents Division for receipt of such petitions; and

5. Any other individual or entity the Division believes may have an interest in the proposed transfer.

D. Hearing. All Petitions for Approval of Transfer of Payment Rights will be assigned to the Director of the Adjudication Division for hearing.

1. The Director will conduct a formal evidentiary hearing on each petition to determine whether the petition should be approved. The hearing will be conducted in accordance with the requirements of the Utah Administrative Procedures Act.

2. No hearing on the merits of a petition will be scheduled prior to 60 days after the notices required by III.C of this rule have been mailed to all parties entitled to such notice.

3. Notice of hearing on the merits of a petition shall be provided to the transferor, the transferee, their attorneys, and all parties listed in III.C.1 through 4 of this rule.

4. The Director will conduct the hearing in such manner as the Director deems proper to obtain all information that may be material to approval or rejection of the proposed transfer.

E. Decision. After hearing, the Director will issue a written decision approving or denying the petition. The Director may approve a petition only if the Director finds:

1. The petition has been submitted in proper form with all required documentation;

2. The notice and explanation required by III.B.1 of this rule and the disclosure of financial information required by III.B.2 of this rule are correct, adequate, and understood by the transferor;

3. The agreement(s) between the transferor and transferee does not include any abusive provisions that are against the transferor's best interests. "Abusive provisions" include, but are not limited to, the following:

a. The transferor's confession of judgment or consent to entry of judgment;

b. Choice of forum or choice of law provisions requiring resolution of disputes in a forum other than the courts and administrative agencies of the State of Utah, or under the laws of a jurisdiction other than Utah; or

c. Requirements that transferors indemnify transferees or reimburse transferees for costs or expenses incurred in disputes between transferors and transferees.

4. The proposed transfer is in the best interest of the transferor, specifically taking into account:

a. The transferor's need for a continuing source of income to provide for future necessities;

b. The needs of the transferor's dependents for a continuing source of support from the transferor to provide for future necessities;

c. Whether the transferor's intended uses of the funds obtained as a result of the transfer are prudent and consistent with the underlying purposes of the workers' compensation system;

d. Whether the transferor possesses the ability to manage, preserve and properly apply the funds to be obtained through the transfer; and

e. Whether other alternatives exist that will better meet the legitimate needs of the transferor and/or satisfy the objectives of the workers' compensation system.

F. Appeal. Any interested party who has participated in the formal evidentiary hearing conducted pursuant to III.D of this rule may request agency review of the Director's decision by following the procedures established in Section 63-46b-12 of the Utah Administrative Procedures Act and Section 34A-1-303 of the Utah Labor Commission Act.

**KEY: workers' compensation, administrative procedures, hearings, settlements**

**Date of Enactment or Last Substantive Amendment: ~~November 21, 2007~~ 2008**

**Notice of Continuation: September 5, 2002**

**Authorizing, and Implemented or Interpreted Law: 34A-1-104(1); 34A-1-301 et seq.; 34A-2-422; 34A-4-304; 63-46a-3(2); 63-46b-1 et seq.**



## Natural Resources, Wildlife Resources R657-5

### Taking Big Game

#### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30829  
FILED: 12/13/2007, 07:14

#### RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to the above listed rule: 1) alter the permit application procedure to an online only process; 2) adjust the waiting period for management bull elk permits to two years; 3) remove the stipulation allowing a management bull elk permittee to retain his bonus points; 4) allow for late questionnaires to be accepted upon payment of established late fee for all limited entry and once in a lifetime mandatory reporting species; 5) replace "hunter's choice" on the Wasatch Front or Uintah Basin extended archery areas with "any bull or antlerless" for clarification; and 6) make technical corrections for consistency and accuracy.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This amendment requires a sportsman to apply for a permit through an online application process, which is consistent with other drawings conducted by the division. It also reinstates a mandatory waiting period for management bull elk permit holders as well as using any accrued elk bonus points. However, since there is already an electronic system in place for the conducting of drawings and the monitoring of bonus points and waiting periods the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

❖ LOCAL GOVERNMENTS: Since this amendment only alters the process for which a permit is obtained, and because in addition to the internet-based application the division has offered a phone line to aid hunters with applications, this amendment should have little to no effect on the local governments. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This amendment requires the sportsmen to apply for a big game permit through an internet-based application, however a phone line has also been established to accommodate those who do not currently have access to the internet. Therefore, the amendments do not have the potential to generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments will not create additional costs for residents and nonresidents wishing to hunt big game in Utah.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule have a potential to create an impact on businesses as listed above. 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: James F Karpowitz, Director

**R657. Natural Resources, Wildlife Resources.**

**R657-5. Taking Big Game.**

**R657-5-24. Application Process for Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit, Once-In-A-Lifetime Permits and Management Bull Elk, and Application Process for General Buck Deer, General Muzzleloader Elk and Youth General Any Bull Elk Permits.**

(1) a person must possess or obtain a valid hunting or combination license to apply for or obtain a big game permit.

(2)(a) A person may obtain only one permit per species of big game, including premium limited entry, limited entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, sportsman, landowner and general permits, except antlerless permits as provided in the Antlerless Addendum and permits as provided in Rule R657-42.

(b) Hunting with a permit where payment has not been received for that permit constitutes a violation of hunting without a valid permit.

(c) A person who applies for, or obtains a permit must notify the division of any change in mailing address, residency, telephone number, and physical description.

(3) Applications are available ~~from license agents, division offices, and~~ through the division's Internet address.

(4) A resident may apply in the big game drawing for the following permits:

(a) only one of the following:

(i) buck deer - premium limited entry, limited entry and cooperative wildlife management unit;

(ii) bull elk - premium limited entry, limited entry and cooperative wildlife management unit; or

(iii) buck pronghorn - limited entry and cooperative wildlife management unit; and

(b) only one once-in-a-lifetime permit, including once-in-a-lifetime cooperative wildlife management unit permits, except as provided in Section R657-5-64(2)(b).

(5) A nonresident may apply in the big game drawing for the following permits:

(a) only one of the following:

(i) buck deer - premium limited entry and limited entry;

(ii) bull elk - premium limited entry and limited entry; or

(iii) buck pronghorn - limited entry; and

(b) only one once-in-a-lifetime permit.

(6) A resident or nonresident may apply in the big game drawing for:

(a)(i) a statewide general archery buck deer permit;

(ii) by region for general any weapon buck deer; or

(iii) by region for general muzzleloader buck deer.

(b) A youth may apply in the drawing as provided in Subsection (a) or Subsection R657-5-27(4), and for youth general any bull elk pursuant to Section R657-5-46.

(7) A person may not submit more than one application per species as provided in Subsections (3) and (4), and Subsection (5) in the big game drawing.

(8)(a) Applications must be ~~mailed~~ submitted online by the date prescribed in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. ~~Applications filled out incorrectly or received later than the date prescribed in the Bucks, Bulls and Once In A Lifetime Proclamation may be rejected.~~

(b) If an error is found on an application, the applicant may be contacted for correction.

(9)~~(a) Late applications, received by the date published in the Bucks, Bulls and Once In A Lifetime Proclamation, will not be considered in the drawing, but will be processed, for the purpose of entering data into the division's draw database to provide:~~

~~— (i) future preprinted applications;~~

~~— (ii) notification by mail of late application and other draw opportunities; and~~

~~— (iii) re-evaluation of division or third party errors.~~

~~— (b) The nonrefundable handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.~~

~~— (c) Late applications received after the date published in the Bucks, Bulls and Once In A Lifetime Proclamation shall not be processed and shall be returned to the applicant.~~

~~(10)~~ Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

~~(10)~~~~(11)~~ Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-27(4).

~~(11)~~~~(12)~~ To apply for a resident permit, a person must be a resident at the time of purchase.

~~(12)~~~~(13)~~ The posting date of the drawing shall be considered the purchase date of a permit.

**R657-5-25. Fees for Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit, Once-In-A-Lifetime and Management Bull Elk Permits, and for General Buck Deer, General Muzzleloader Elk and Youth General Any Bull Elk Permits.**

(1) ~~Each premium limited entry, limited entry, cooperative wildlife management unit and once in a lifetime application must include:~~

~~(a) The highest permit fee of any permits applied for;~~

~~(b) a nonrefundable handling fee for one of the following permits:~~

~~(i) buck deer;~~

~~—(ii) bull elk; or~~  
~~—(iii) buck pronghorn; and~~  
~~—(e) the nonrefundable handling fee for a once-in-a-lifetime permit; and~~  
~~—(d) the nonrefundable handling fee, if applying only for a bonus point; and~~  
~~—(e) the Utah hunting or combination license fee, if the applicant does not possess one of the licenses.~~  
 —(2) Each general buck deer and general muzzleloader elk application must include:  
~~—(a) the permit fee, which includes the nonrefundable handling fee; or~~  
~~—(b) the nonrefundable handling fee per species, if applying only for a preference point; and~~  
~~—(c) the Utah hunting or combination license fee, if the applicant does not possess one of the licenses.] permit fees and handling fees must be paid pursuant to Rule R657-42-8(5).~~

**R657-5-26. Applying as a Group for Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit, Once-In-A-Lifetime and Management Bull Elk Permits, and for General Buck Deer, General Muzzleloader Elk and Youth General Any Bull Elk Permits.**

(1)(a) Up to four people may apply together for premium limited entry, limited entry, and resident cooperative wildlife management unit deer, elk or pronghorn permits in the big game drawing and in the antlerless drawing.

(b) People may not apply together for management bull elk permits in the big game drawing as provided in R657-5-71(2)(b).

(c) Up to two youth may apply together for youth general any bull elk permits in the big game drawing.

(d) Up to ten people may apply together for general deer permits in the big game drawing.

(e) Youth applicants who wish to participate in the youth general buck deer drawing process as provided in Subsection R657-5-27(4), or the youth antlerless drawing process as provided in Subsection R657-5-59(3), must not apply as part of a group.

(2)(a) Applicants must indicate the ~~[number of]~~ hunters in the group by ~~[filling in]~~ marking the appropriate box on ~~[each]~~ the application form.

(b) If the appropriate box is not ~~[filled out with]~~ marked indicating the ~~[number of]~~ hunters in the group, each hunter in that group shall be entered into the drawing as individual hunters, and not as a group.

(3) ~~[Group applicants must submit their applications together in the same envelope.~~

~~—(4) ]Residents and nonresidents may apply together.~~

~~(5) ](a) Group applications shall be processed as one single application.~~

(b) Any bonus points used for a group application, shall be averaged and rounded down.

~~(6) ]~~ When applying as a group:

(a) if the group is successful in the drawing, then all applicants with valid applications in that group shall receive a permit;

(b) if the group is rejected due to an error in fees and only one species is applied for, then the entire group is rejected;

(c) if the group is rejected due to an error in fees and more than one species is applied for, the group will be kept in the drawing for any species with sufficient fees, using the draw order; or

(d) if one or more members of the group are rejected due to an error other than fees, the members with valid applications will be

kept in the drawing, unless the group indicates on the application that all members are to be rejected.]

~~—(i) The applicant whose application is on the top of all the applications for that group, will be designated the group leader.~~

~~—(ii) If any group member has an error on their application that is not corrected during the correction process, the reject box on the group leader's application will determine whether the entire group is rejected.]~~

**R657-5-28. Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit, Once-In-A-Lifetime and Management Bull Elk Application Refunds, and General Buck Deer, General Muzzleloader Elk and Youth General Any Bull Elk Application Refunds.**

(1) Unsuccessful applicants ~~[who applied in the big game drawing with a check or money order will receive a permit refund in May.~~

~~—(2)(a) Unsuccessful applicants who applied in the big game drawing with a credit or debit card will not be charged for a permit.~~

~~(b) Unsuccessful applicants who applied as a group will receive an equally distributed refund of money remaining after the successful applicants' permits are paid for.~~

~~—(c) If group members have other financial arrangements between themselves, group members should be prepared to reallocate each group member's individual refunds among themselves.~~

~~—(3) ]~~ The handling fees and Utah hunting or combination license fees are nonrefundable.

**R657-5-31. Waiting Periods for Elk.**

(1) A person who obtained a premium limited entry, limited entry, management bull elk or cooperative wildlife management unit bull elk permit through the big game drawing process during the preceding four years may not apply in the big game drawing for any of these permits during the current year.

(2) A person who obtains a premium limited entry, limited entry or cooperative wildlife management unit bull elk permit through the big game drawing, may not apply for any of these permits for a period of five years.

(3) A waiting period does not apply to:

(a) general archery, general any weapon, general muzzleloader, antlerless elk, cooperative wildlife management unit spike bull elk, conservation, sportsman, poaching-reported reward and dedicated hunter limited entry elk permits; or

(b) cooperative wildlife management unit or limited entry landowner bull elk permits obtained through the landowner.

~~—(4) The waiting period imposed on a management bull elk permit will be removed if:~~

~~—(a) the hunter complies with the mandatory reporting requirements in R657-5-71(6), and the animal harvested has five points or less on at least one antler.~~

**R657-5-37A. Bonus Point System.**

(1) Bonus points are used to improve odds for drawing permits.

(2)(a) A bonus point is awarded for:

(i) each valid unsuccessful application when applying for limited entry permits in the big game or antlerless drawing; or

(ii) each valid application when applying for bonus points in the big game or antlerless drawing.

(b) Bonus points are awarded by species for:

- (i) premium limited entry, limited entry and cooperative wildlife management unit buck deer;
  - (ii) premium limited entry, limited entry, management bull elk, and cooperative wildlife management unit bull elk;
  - (iii) limited entry and cooperative wildlife management unit buck pronghorn;
  - (iv) all once-in-a-lifetime species; and
  - (v) antlerless moose.
- (3) A person may apply for a bonus point for:
- (a) only one of the following species:
    - (i) buck deer - premium limited entry, limited entry and cooperative wildlife management unit;
    - (ii) bull elk - limited entry, management and cooperative wildlife management unit; or
    - (iii) buck pronghorn - limited entry and cooperative wildlife management unit;
    - (iv) antlerless moose, and
  - (b) only one once-in-a-lifetime, including once-in-a-lifetime cooperative wildlife management unit.
- (4)(a) A person may not apply in the drawing for both a premium limited entry or limited entry bonus point and a premium limited entry or limited entry permit.
- (b) A person may not apply in the drawing for a once-in-a-lifetime bonus point and a once-in-a-lifetime permit.
- (c) A person may not apply in the drawing for an antlerless moose bonus point and an antlerless moose permit.
- (d) A person may not apply for a bonus point if that person is ineligible to apply for a permit for the respective species.
- (e) A person may only apply for bonus points in the big game and antlerless drawings.
- (f) Group applications will not be accepted when applying for bonus points.
- (5)(a) Fifty percent of the permits for each hunt unit and species will be reserved for applicants with bonus points.
- (b) Based on the applicant's first choice, the reserved permits will be designated by a random drawing number to eligible applicants with the greatest number of bonus points for each species.
- (c) If reserved permits remain, the reserved permits will be designated by a random number to eligible applicants with the next greatest number of bonus points for each species.
- (d) The procedure in Subsection (c) will continue until all reserved permits have been issued or no applications for that species remain.
- (e) Any reserved permits remaining and any applicants who were not selected for reserved permits will be returned to the big game drawing.
- (6)(a) Each applicant receives a random drawing number for:
- (i) each species applied for; and
  - (ii) each bonus point for that species.
- (7) Bonus points are forfeited if a person obtains a permit through the drawing for that bonus point species as provided in Subsection (2)(c), including any permit obtained after the drawing.
- (8) Bonus points are not forfeited if:
- (a) a person is successful in obtaining a conservation permit or sportsman permit;
  - (b) a person obtains a landowner or a cooperative wildlife management unit permit from a landowner; or
  - (c) a person obtains a poaching-reported reward permit.
- ~~[(9) Bonus points may be reinstated if a hunter obtains a management bull elk permit and complies with R657-5-71(7).]~~
- ~~—]([10]2) Bonus points are not transferable.~~

- ~~[(11]10) Bonus points are averaged and rounded down when two or more applicants apply together on a group application.~~
- ~~[(12]11)(a) Bonus points are tracked using social security numbers or division-issued customer identification numbers.~~
- (b) The division shall retain paper copies of applications for three years prior to the current big game and antlerless drawings for the purpose of researching bonus point records.
- (c) The division shall retain electronic copies of applications from 1996 to the current big game drawing for the purpose of researching bonus point records.
- (d) Any requests for researching an applicant's bonus point records must be requested within the time frames provided in Subsection (b) and (c).
- (e) Any bonus points on the division's records shall not be researched beyond the time frames provided in Subsection (b) and (c).
- (f) The division may eliminate any bonus points earned that are obtained by fraud or misrepresentation.

#### **R657-5-41. Limited Entry Buck Deer Hunts.**

(1) To hunt in a premium limited entry or limited entry area, hunters must obtain the respective limited entry buck permit. Limited entry areas are not open to general archery buck, general any weapon buck, or general muzzleloader buck hunting, except as specified in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) A limited entry buck deer permit allows a person using the prescribed legal weapon, to take one buck deer within the area and season specified on the permit, except deer cooperative wildlife management units located within the limited entry unit.

(3)(a) A person who has obtained a premium limited entry, limited entry, or cooperative wildlife management unit buck deer permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a buck deer.

(b) Limited entry and cooperative wildlife management unit buck deer permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

~~—(4) A person who has obtained a limited entry buck permit may not hunt during any other deer hunt or obtain any other deer permit, except antlerless deer.~~

#### **R657-5-43. General Archery Elk Hunt.**

(1) The dates of the general archery elk hunt are provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2)(a) A person who has obtained a general archery elk permit may use archery equipment to take:

- (i) one elk of hunter's choice on a general any bull elk unit, except on elk cooperative wildlife management units;
- (ii) an antlerless elk or spike bull elk on a general spike bull elk unit, except on elk cooperative wildlife management units;
- (iii) one elk ~~[of hunter's choice]~~, any bull or antlerless on the Wasatch Front or Uintah Basin extended archery areas as provided

in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(3)(a) A person who obtains a general archery elk permit may hunt within the Wasatch Front, Uintah Basin, ~~Nebo West Desert,~~ and Sanpete Valley extended archery areas during the extended archery area seasons as provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game and as provided in Subsection (b).

(b) A person must complete the Archery Ethics Course annually to hunt the extended archery areas during the extended archery season.

(c) A person must possess an Archery Ethics Course Certificate of Completion while hunting.

(4) A person who has obtained an archery elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-48(3).

(5) Hunter orange material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Archers are cautioned to study the rifle hunt tables to identify these areas described in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

**R657-5-47. Premium Limited Entry and Limited Entry Bull Elk Hunts.**

(1) To hunt in a premium limited entry or limited entry bull elk area, a hunter must obtain the respective premium limited entry or limited entry elk permit.

(2)(a) A premium limited entry bull elk permit allows a person, using the prescribed legal weapon, to take one bull elk within the area and to hunt all limited entry bull elk seasons specified in the hunt tables, published in the proclamation of the Wildlife Board for taking big game, for the area specified on the permit, except elk cooperative wildlife management units located within a premium limited entry unit. Spike bull elk restrictions do not apply to premium limited entry elk permittees.

(b) A limited entry bull elk permit allows a person, using the prescribed legal weapon, to take one bull elk within the area and season specified on the permit, except elk cooperative wildlife management units located within a limited entry unit. Spike bull elk restrictions do not apply to limited entry elk permittees.

(3)(a) A person who has obtained a premium limited entry, limited entry or cooperative wildlife management unit bull elk permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bull elk.

(b) Limited entry and cooperative wildlife management unit bull elk permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

\_\_\_\_\_(4) A person who has obtained a premium limited entry or limited entry bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsections (4)(a) and R657-5-48(3).

**R657-5-49. Buck Pronghorn Hunts.**

(1) To hunt buck pronghorn, a hunter must obtain a buck pronghorn permit.

(2) A person who has obtained a buck pronghorn permit may not obtain any other pronghorn permit or hunt during any other pronghorn hunt.

(3)(a) A person who has obtained a limited entry or cooperative wildlife management unit buck pronghorn permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a buck pronghorn.

(b) Limited entry and cooperative wildlife management unit buck pronghorn permit holders must report hunt information by telephone, or through the Division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

\_\_\_\_\_(4) A buck pronghorn permit allows a person using any legal weapon to take one buck pronghorn within the area and season specified on the permit, except during the buck pronghorn archery hunt when only archery equipment may be used and on buck pronghorn cooperative wildlife management unit located within a limited entry unit.

**R657-5-52. Bull Moose Hunts.**

(1) To hunt bull moose, a hunter must obtain a bull moose permit.

(2) A person who has obtained a bull moose permit may not obtain any other moose permit or hunt during any other moose hunt.

(3) A bull moose permit allows a person using any legal weapon to take one bull moose within the area and season specified on the permit, except in bull moose cooperative wildlife management units located within a limited entry unit.

(4)(a) A person who has obtained a bull moose permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bull moose.

(b) Bull moose permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

**R657-5-53. Bison Hunts.**

(1) To hunt bison, a hunter must obtain a bison permit.

(2) A person who has obtained a bison permit may not obtain any other bison permit or hunt during any other bison hunt.

(3) The bison permit allows a person using any legal weapon to take a bison of either sex within the area and season as specified on the permit.

(4)(a) An orientation course is required for bison hunters who draw a an Antelope Island bison permit. Hunters shall be notified of the orientation date, time and location.

(b) The Antelope Island hunt is administered by the Division of Parks and Recreation.

(5) A Henry Mountain cow bison permit allows a person to take one cow bison using any legal weapon within the area and season as specified on the permit and in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(6) An orientation course is required for bison hunters who draw Henry Mountain cow bison permits. Hunters will be notified of the orientation date, time and location.

(7)(a) A person who has obtained a bison permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bison.

(b) Bison permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

#### **R657-5-54. Desert Bighorn and Rocky Mountain Bighorn Sheep Hunts.**

(1) To hunt desert bighorn sheep or Rocky Mountain bighorn sheep, a hunter must obtain the respective permit.

(2) A person who has obtained a desert bighorn sheep or Rocky Mountain bighorn sheep permit may not obtain any other desert bighorn sheep or Rocky Mountain bighorn sheep permit or hunt during any other desert bighorn sheep or Rocky Mountain bighorn sheep hunt.

(3) Desert bighorn sheep and Rocky Mountain big horn sheep permits are considered separate once-in-a-lifetime hunting opportunities.

(4)(a) The desert bighorn sheep permit allows a person using any legal weapon to take one desert bighorn ram within the area and season specified on the permit.

(b) The Rocky Mountain sheep permit allows a person using any legal weapon to take one Rocky Mountain bighorn ram within the area and season specified on the permit.

(5) The permittee may attend a hunter orientation course. The division provides each permittee with the time and location of the course.

(6) All bighorn sheep hunters are encouraged to have a spotting scope with a minimum of 15 power while hunting bighorn sheep. Any ram may be legally taken, however, permittees are encouraged to take a mature ram. The terrain inhabited by bighorn sheep is extremely rugged, making this hunt extremely strenuous.

(7) Successful hunters must deliver the horns of the bighorn sheep to a division office within 72 hours of leaving the hunting area. A numbered seal will be permanently affixed to the horn indicating legal harvest.

(8)(a) A person who has obtained a desert bighorn sheep or Rocky Mountain bighorn sheep permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a desert bighorn sheep or Rocky Mountain bighorn sheep.

(b) Desert bighorn sheep or Rocky Mountain bighorn sheep permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

#### **R657-5-55. Rocky Mountain Goat Hunts.**

(1) To hunt Rocky Mountain goat, a hunter must obtain a Rocky Mountain goat permit.

(2) A person who has obtained a Rocky Mountain goat permit may not obtain any other Rocky Mountain goat permit or hunt during any other Rocky Mountain goat hunt.

(3) A Rocky Mountain goat of either sex may be legally taken on a hunter's choice permit. Permittees are encouraged to take a mature goat. A mature goat is a goat older than two years of age, as determined by counting the annual rings on the horn.

(4) The goat permit allows a person using any legal weapon to take one goat within the area and season specified on the permit.

(5) All goat hunters are encouraged to have a spotting scope with a minimum of 15 power while hunting goats. The terrain inhabited by Rocky Mountain goat is extremely rugged making this hunt extremely strenuous. The goat's pelage may be higher quality later in the hunting season.

(6) A female-goat only permit allows a person to take one female-goat using any legal weapon within the area and season as specified on the permit and in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(7) An orientation course is required for Rocky Mountain goat hunters who draw female-goat only permits. Hunters will be notified of the orientation date, time and location.

(8)(a) A person who has obtained a Rocky Mountain goat permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a Rocky Mountain goat.

(b) Rocky Mountain goat permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

#### **R657-5-59. Antlerless Big Game Drawing.**

(1) ~~[The antlerless drawing results may be posted at the Lee Kay Center, Cache Valley Hunter Education Center, division offices and on the division Internet address on]~~ Applicants shall be notified by mail of draw results by the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) Permits are drawn in the order listed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(3)(a) Twenty percent of the antlerless deer, elk and doe pronghorn permits are reserved for youth hunters.

(b) For purposes of this section, "youth" means any person 18 years of age or younger on the opening day of the general archery buck deer season.

(c) Youth hunters who wish to participate in the youth drawing must:

(i) submit an application in accordance with Section R657-5-57; and

(ii) not apply as a group.

(d) Youth applicants who apply for an antlerless deer, elk, or doe pronghorn permit as provided in Subsection (c), will automatically be considered in the youth drawing based upon their birth date.

(e) Any reserved permits remaining and any youth applicants who were not selected for reserved permits shall be returned to the antlerless drawing.

(4) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

#### **R657-5-65. Fees for Special Hunt Applications.**

~~(1) Each application must include:~~

~~—(a) the permit fee for the species applied for;~~

~~—(b) a nonrefundable handling fee; and~~

~~—(c) the Utah hunting or combination license fee, if the applicant does not possess one of the licenses.~~

~~—(2)(a) Personal checks, money orders, cashier's checks and credit or debit cards are accepted from residents.~~

~~—(b) Money orders, cashier's checks and credit or debit cards are accepted from nonresidents. Personal checks are not accepted from nonresidents.~~

~~—(3)(a) Credit or debit cards must be valid at least 30 calendar days after the drawing results are posted.~~

~~—(b) If applicants are applying as a group, all fees for all applicants in that group must be charged to one credit or debit card.~~

~~—(c) Handling fees are charged to the credit or debit card when the application is processed. Permit fees are charged after the drawing, if successful.~~

~~—(d) Payments to correct an invalid or refused credit or debit card must be made with a cashier's check or money order for the full amount of the application fees plus any permits requested.~~

~~—(4) An application is voidable if the check is returned unpaid from the bank or the credit or debit card is invalid or refused. Fees and handling fees must be paid pursuant to Rule R657-42-8(5).~~

#### **R657-5-66. Special Hunt Drawing.**

(1) ~~[The special hunt drawing results may be posted at the Lee Kay Center, Cache Valley Hunter Education Center and division offices on]~~ Applicants shall be notified by mail of draw results by the date published in ~~[the]~~an addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation ~~[or]~~of the Wildlife Board for taking big game or the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

#### **R657-5-71. Management Bull Elk Hunt.**

(1)(a) For the purposes of this section "management bull" means any bull elk with 5 points or less on at least one antler. A point means a projection longer than one inch, measured from its base to its tip.

(b) For purposes of this section "youth" means any person 18 years of age or younger on the opening day of the management bull elk archery season published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(c) For the purposes of this section "senior" means any person 65 years of age or older on the opening day of the management bull elk archery season published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2)(a) Management bull elk permits shall be distributed through the division's big game drawing. Thirty percent of the permits are allocated to youth, 30 percent to seniors and the remaining 40 percent to hunters of all ages.

(b) Group application shall not be accepted in the division's big game drawing for management bull elk permits.

(3) Waiting periods as provided in R657-5-31 are incurred as a result of obtaining management bull elk permits~~[, except as provided in Subsection (7)].~~

(4)(a) Bonus points shall be awarded when an applicant is unsuccessful in obtaining a management bull elk permit in the big game drawing.

(b) Bonus points shall be expended when an applicant is successful in obtaining a management bull elk permit in the big game drawing~~[, except as provided in Subsection (7)].~~

(5) Management bull elk permit holders may take one management bull elk during the season, on the area and with the weapon type specified on the permit. Management bull elk hunting seasons, areas and weapon types are published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(6)(a) A person who has obtained a management bull elk permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a management bull elk.

(b) Management bull elk permit holders must report hunt information by telephone, or through the division's Internet address.

(7)(a) Management bull elk permit holders who successfully harvest a management bull elk, as defined in Subsection (1)(a)~~[, and]~~ must have their animal inspected by the division~~[, will have their bonus points reinstated and waiting period for limited bull elk removed].~~

(b) Successful hunters must deliver the head and antlers of the elk they harvest to a division office for inspection within 72 hours of leaving the hunting area.

(8) Management bull elk permit holders may not retain possession of any harvested bull elk that fails to satisfy the definition requirements in Subsection (1)(a).

(9) A person who has obtained a management bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Section R657-5-48(3).

**KEY: wildlife, game laws, big game seasons**

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

**Notice of Continuation: November 21, 2005**

**Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-16-5; 23-16-6**

◆ ————— ◆

Natural Resources, Wildlife Resources  
**R657-23**  
 Utah Hunter Education Program

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 30828

FILED: 12/13/2007, 06:53

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to remove the provision that the Division of Wildlife will offer a home study hunter education course and will instead offer an online course. The amendments also outline the criteria for becoming a Utah Hunter Education Instructor.

SUMMARY OF THE RULE OR CHANGE: Definitions for "Practical exercise and testing day" and "Trainer" were added for clarification. Section R657-23-3 is amended to reflect the minimum requirements for successfully completing an online hunter education course. Section R657-23-5 is amended to reflect the criteria for becoming a certified hunter education instructor.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-19-11

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule is being amended to remove the provision that the Division of Wildlife Resources (DWR) will offer a home study course and will in its place offer an online course. It also defines the criteria for successfully completing the course as well as becoming a hunter education instructor. DWR determines that this amendment does not create a cost or savings impact to the state budget or DWR's budget.

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

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This rule is being amended to remove the provision that DWR will offer a home study course and will in its place offer an online course. It also defines the criteria for successfully completing the course as well as becoming a hunter education instructor. Therefore, this amendment does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment allows more opportunity for hunters to complete an approved Utah hunter education course or to certify as a Utah Hunter Education Instructor. 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: James F Karpowitz, Director

**R657. Natural Resources, Wildlife Resources.  
 R657-23. Utah Hunter Education Program.**

**R657-23-2. Definitions.**

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

(a) "Approved hunter education course" means any hunter education course that qualifies a person to receive a resident hunting license in the state, province, or country in which the hunter education course is offered.

(b) "Authorized division representative" means a volunteer hunter education instructor who has been approved by the division to issue duplicate blue cards.

(c) "Blue Card" means the certificate of completion issued by the division for having passed a Utah hunter education course or an approved hunter education course.

(d) "Certificate of completion" means a card, certificate, or other document issued by the wildlife agency of a state, province, or country, and signed by a hunter education instructor, verifying successful completion of an approved hunter education course.

(e) "[~~Field~~]Practical exercise and testing day" means a student has successfully completed the hunter education course online and shall participate in taking a written test, a practical shooting test, and instruction on firearms safety and hunter responsibility during a minimum of five hours with a hunter education instructor.

(f) [~~"Home study hunter education course"~~]"Trainer" means a volunteer hunter education [~~course that is offered to a person 18 years of age or older and is completed at home substituting seven hours of the minimum 12 hours classroom requirement and is taken through the division's home study workbook.~~]instructor or Division employee who has been certified by the division to train hunter education instructors.

(g) "Instructor" means a volunteer hunter education instructor or division employee who has been certified by the division to teach the hunter education program to students.

(h) "Online hunter education course" means a hunter education course that is completed online substituting the minimum 12 hours classroom requirement, and is taken through the division's Internet address.

(i) "Student" means a person who is registered in a hunter education course being taught by a certified hunter education instructor.

(j) "Traditional hunter education course" means a hunter education course that is a minimum of 12 classroom hours, a written test and a practical shooting test.

### R657-23-3. Hunter Education Required.

(1)(a) To obtain a hunting license, any person born after December 31, 1965, must present proof of having passed a division approved hunter education course.

(b) A person may take a hunter education course offered by the division as provided in Subsection (2), (3), or (4).

(2) Completion of a traditional hunter education course requires students to:

(a) ~~[attend the minimum 12-hour classroom course;]purchase a hunter education voucher from a Division authorized licensed vendor;~~

~~(b) attend the minimum 12-hour classroom course;~~

~~(c) behave in a safe and responsible manner in class;~~

~~(d) obtain a passing score of at least 75% on a written test; and~~

~~(b) behave in a safe and responsible manner in class;~~

~~(c) obtain a passing score of at least 75% on a written test; and~~

~~(d)e) obtain a passing score of at least 50% on a shooting practical test.~~

~~[(3) Completion of the home study hunter education course requires students to:~~

~~(a) complete the hunter education home study workbook;~~

~~(b) attend two classes for a minimum of five hours of classroom instruction within a five week period;~~

~~(c) behave in a safe and responsible manner while attending the class;~~

~~(d) obtain a passing score of at least 75% on a written test; and~~

~~(e) obtain a passing score of at least 50% on a shooting practical test.~~

[(4)2] Completion of the online hunter education course requires students to:

~~(a) preregister for the field day by submitting the registration form and hunter education fee to the division through the division's Internet address;](a) purchase a hunter education voucher from a Division authorized licensed vendor.~~

~~(b) pre-register for the field day by contacting the instructor by mail, e-mail or telephone;~~

~~(b)c) comprehensively read each chapter of the online workbook, and complete and obtain a passing score of at least 80% of each quiz that is provided after each chapter of the workbook;~~

~~(e)d) behave in a safe and responsible manner while attending the field day;~~

~~(d)e) obtain a passing score of at least 75% on a written test; and~~

~~(e)f) obtain a passing score of at least 50% on a shooting practical test.~~

~~[(5)4](a) The division[~~, through the instructor,~~]will issue[s] a Blue Card to each individual who successfully completes the hunter education course.~~

~~(b) A Blue Card shall not be issued to a person who has not successfully completed the hunter education requirements.~~

~~(6) The division shall accept other states, provinces, and countries criteria and qualifications for their respective courses, which meet or exceed the International Hunter Education Association hunter education standards.~~

### R657-23-5. Hunter Education Instructor Training.

(1) A person must be 21 years of age or older to become a certified hunter education instructor.

(2) Completion of a hunter education instructor course requires a person to:

~~[(a) attend the 18-hour classroom course;]EITHER~~

~~(a) attend the 18-hour classroom course conducted by a trainer;~~

~~(b) pass a criminal background check according to Division policy W-6-LAW-15;~~

~~(c) obtain a passing score of at least 80% on a written test; and~~

~~(d) obtain a passing score of at least 50% on a shooting practical test.~~

~~OR~~

~~(a) Complete the Division's online instructor course.~~

~~(b) [pass]Pass a criminal background check according to Division policy W-6-LAW-15;~~

~~(c) Attend a 6-hour workshop conducted by a trainer.~~

~~[(e)d) [obtain]Obtain a passing score of at least 75% on a written test; and~~

~~[(d)e) [obtain]Obtain a passing score of at least 50% on a shooting practical test.~~

(3) The division shall issue a hunter education instructor card to each individual who successfully completes the hunter education instructor course.

**KEY: wildlife, game laws, hunter education**

**Date of Enactment or Last Substantive Amendment: [January 18, 2006]2008**

**Notice of Continuation: December 6, 2007**

**Authorizing, and Implemented or Interpreted Law: 23-19-11**

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

**R810-6**

Permit Prices and Refunds

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 30809

FILED: 12/07/2007, 12:09

### 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 excessive verbiage has been eliminated.

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 eliminates excessive verbiage, but not the cost associated with each action, there are no costs or savings to the state budget.

❖ LOCAL GOVERNMENTS: As the rule amendment simply eliminates excessive verbiage, but not the cost associated with each action, there are no costs or savings to local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: As the rule amendment simply eliminates excessive verbiage, but not the cost associated with each action, there are no costs or savings to businesses or persons.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As the rule amendment simply eliminates excessive verbiage, but not the cost associated with each action, 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Patti Trulli Ibholt, Associate Director

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

**R810-6. Permit Prices and Refunds.**

**~~R810-6-3. Expiration.~~**

~~— All permits expire on the date designated on the permit.~~

**~~R810-6-3[4]. Refunds.~~**

A partial refund may be obtained for an unused annual permit provided it is returned to Commuter~~[Parking]~~ Services before it is six months old.

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment:** ~~June 19, 1997~~**2008**

**Notice of Continuation:** February 21, 2007

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



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

**R810-7**

Nonresidents and Out-of-State Plates

**NOTICE OF PROPOSED RULE**

(Repeal)

DAR FILE No.: 30831

FILED: 12/13/2007, 11:42

**RULE ANALYSIS**

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

SUMMARY OF THE RULE OR CHANGE: The repeal of this rule eliminates information that is no longer a requirement. The 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 does not affect the cost associated with the rule. There are no costs or savings to the state budget.

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

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

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

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 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 Ibolm 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Patti Trulli Ibolm, Associate Director

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

##### ~~**R810-7. Nonresidents and Out of State Plates.**~~

##### ~~**R810-7-1. Students.**~~

~~Students with nonresident status who drive vehicles bearing out of state license plates must complete the regular vehicle registration form and obtain a "U" permit. They must also show their state vehicle registration when buying their permit.~~

##### ~~**R810-7-2. Faculty and Staff.**~~

~~Faculty and staff from out of state who are permanently employed at the University are required to register the vehicle with the Utah Motor Vehicle Division and obtain Utah license plates. Visiting faculty with temporary, short term appointments, military personnel on active duty assignments, and travel nurses are exempted from this requirement.~~

##### ~~**R810-7-3. Emissions Inspection.**~~

~~Vehicles that are registered outside of the state of Utah or outside of Salt Lake, Davis, Utah or Weber counties are required to comply with an emissions inspection in order to park in permit areas on campus. A permit cannot be issued until emission requirements are met.~~

##### ~~**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]**~~

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

### **R810-8**

#### Vendor Regulations

##### **NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 30834

FILED: 12/14/2007, 09:49

##### **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.

SUMMARY OF THE RULE OR CHANGE: The rule is staying the same but some specific verbiage has been changed. Parking Services has been changed to Commuter Services in the text.

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, but not the cost associated with the action, there are no costs or savings to the state budget.

❖ LOCAL GOVERNMENTS: As the rule amendment simply changes outdated verbiage, but not the cost associated with the action, there are no costs or savings to local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: As the rule amendment simply changes outdated verbiage, but not the cost associated with the action, there are no costs or savings to businesses or persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As the rule amendment simply changes outdated verbiage, but not the cost associated with the action, there are no costs or savings to individuals.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As the rule amendment simply changes outdated verbiage, but not the cost associated with the action, 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 Ibhohm at the above address, by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibhohm@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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Patti Trulli Ibhohm, Associate Director

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

**R810-8. Vendor Regulations.**

**R810-8-1. Parking Options for Vendors and Sales Representatives.**

Vendors and sales representatives may:

A. Obtain a vendor permit from Commuter[Parking] Services.

The permit is for business use only and not for attending classes or for all-day parking.

B. Purchase a day pass.

C. Park in a pay lot and pay the appropriate fee.

D. Park at a meter and pay the appropriate fee.

E. Park in a twenty-minute delivery and loading zone.

1. Vendors are required to obey University parking regulations.

Departments being serviced by vendors do not have the authority to exempt vendors from parking regulations.

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment:** ~~1992~~2008

**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**

**R810-9**

**Contractors and Their Employees**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 30836

FILED: 12/14/2007, 10:00

**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 outdated and excessive verbiage has been eliminated.

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 updates and eliminates excessive verbiage, but not the cost associated with each action, there are no costs or savings to the state budget.

❖ LOCAL GOVERNMENTS: As the rule amendment simply updates and eliminates excessive verbiage, but not the cost associated with each action, there are no costs or savings to local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: As the rule amendment simply updates and eliminates excessive verbiage, but not the cost associated with each action, there are no costs or savings to businesses or persons.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As the rule amendment simply updates and eliminates excessive verbiage, but not the cost associated with each action, 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 Ibhohm at the above address, by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibhohm@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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Patti Trulli Ibhohm, Associate Director

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

**R810-9. Contractors and Their Employees.**

**R810-9-1. Contractors and Their Employees.**

Commuter[Parking] Services may establish temporary parking areas for contractors and their employees during construction projects. All other vehicles are prohibited from parking in the designated construction areas[parked in such designated areas will be ticketed.]

~~Contractors responsible for construction and repair work on campus who wish parking privileges must first obtain the approval of the University's Campus Planning Department. Upon start of the project, the project coordinator shall arrange for parking. Contractors and their employees must register their vehicles according to the arrangements made and must park in accordance with University regulations or parking tickets will be issued].~~

**KEY: parking facilities**  
**Date of Enactment or Last Substantive Amendment: ~~[1987]~~2008**  
**Notice of Continuation: February 22, 2007**  
**Authorizing, and Implemented or Interpreted Law: 53B-3-103; 53B-3-107**



**Regents (Board Of), University of Utah,  
 Parking and Transportation Services  
 R810-10  
 Enforcement System**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 30839  
 FILED: 12/14/2007, 10:12

**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 some verbiage has been updated and excessive verbiage has been eliminated.

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 costs or savings to the state budget.
- ❖ 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 costs or savings to local governments.
- ❖ 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 costs or savings to businesses or persons.

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 costs or savings to individuals.

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 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 Ibhohm at the above address, by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibhohm@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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Patti Trulli Ibhohm, Associate Director

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

**R810-10. Enforcement System.**

**R810-10-1. Responsibility.**

Parking tickets are issued to registered owners of vehicles or registered permit holders. Tickets are not excused on the plea that another person was driving the vehicle.

~~Multiple tickets may be issued to violators who remain illegally parked for three hours or more at parking meters and other timed zones.~~

~~[—A. To keep registration information current, any change in license plates must be immediately reported to Parking Services.~~

]

**R810-10-2. Hours Of Enforcement.**

Parking regulations are enforced year-round, including periods between ~~semesters~~[quarters]. Permit parking is enforced from 7 a.m. to 6 p.m. Monday through Friday and until 10 p.m. where posted. ~~[Parking meters are enforced from 8 a.m. until 6 p.m. Monday through Friday.]~~ Permit areas and meters are not regulated on state holidays. Fire lanes, restricted areas, designated reserved spaces and parking spaces for the disabled are enforced 24 hours every day of the year.

~~[—Multiple citations may be issued to violators who remain illegally parked for three hours or more at parking meters and loading zones.~~

]

**R810-10-3. University Violation Fee Payment and Penalties.**

1. Fees are charged for all tickets[late payment] in accordance with amounts listed on the ticket. Vehicles with three or more unpaid tickets ~~[will]~~may be impounded and towed at the owners expense. The University may also apply other remedies including:~~[listed below.~~ When applicable, additional charges associated with these actions will be assessed. ~~Partial payment will not satisfy the debt.]~~

~~a. [A. Students.] Academic holds, including transcript and registration holds for students.~~

~~[1. Registration Holds. Students will not be allowed to register until all outstanding parking tickets have been paid. It is the student's responsibility to notify Parking and Transportation Services of any address change. Parking tickets will not be excused due to incorrect addresses.~~

~~— 2. Registration Cancellation. Students who register without clearing all parking tickets will have their registration canceled unless the tickets are cleared within 10 days of receiving notice of such tickets.~~

~~— 3. Transcripts of credits are withheld for students leaving the University with delinquent parking tickets.~~

~~— [b. Payroll deduction from paychecks for tickets that remain unpaid after 30 days for staff.~~

~~[4. Other actions, to include collections referrals and redress through the court system, may be used.~~

~~— B. Staff and faculty. In the event an employee fails to pay assessed violation fees within 30 days, the fees will be withheld from the employee's pay. Other actions, to include collections referrals and redress through the court system, may be used.~~

~~— [c. [C.] Others. Unpaid fines may be collected through the judicial process or garnishment of state income tax returns. [In the event the assessed violation fees are not paid, the University will take action necessary to collect such fees. Actions will include collections referrals and redress through the court system.]~~

**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**



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

**R810-11**

Appeals System

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 30840

FILED: 12/14/2007, 10:25

**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 some verbiage has been updated and the excessive verbiage has been eliminated.

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 costs or savings to the state budget.

❖ 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 costs or savings to local governments.

❖ 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 costs or savings to businesses or persons.

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 costs or savings to individuals.

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 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 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Patti Trulli Ibholtm, Associate Director

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

**R810-11. Appeals System.**

**R810-11-1. Appealing Parking Tickets.**

1. First Level Appeals. Ticket appeals [Appeals for parking tickets] must be made to the Appeals Office in person, by fax, [or] in writing or by email up to the time a small claims affidavit has been filed.

~~2. Second Level Appeals. The decision of the Appeals[hearings] officer may be appealed to the Campus Parking Ticket Appeals Committee after the ticket has been paid.~~

~~The Campus Parking Ticket Appeals Committee is the final step in the appeals process.~~

~~Once a small claims affidavit has been filed, no appeals can be made to the Appeals Office or the Campus Parking Ticket Appeals Committee. All appeals must be made through the Utah court system.~~

**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**



**Regents (Board Of), University of Utah,  
Parking and Transportation Services  
R810-12  
Bicycles, Skateboards and Other Toy  
Vehicles**

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 30843

FILED: 12/14/2007, 10:46

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The University of Utah Commuter Services has become responsible for ensuring that University regulations regarding bicycles, skateboards, and other toy vehicles are enforced.

SUMMARY OF THE RULE OR CHANGE: The proposed rule of enforcement of bicycle, skateboard, and other toy vehicles use is described in full.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Savings for the department from damage caused by these toy vehicles would be approximately \$2,000 per year. All other costs or savings of this new rule would be negligible.

❖ LOCAL GOVERNMENTS: There are no costs or savings to local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no costs or savings to businesses or persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to individuals.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Savings for the department from damage caused by these toy vehicles would be

approximately \$2,000 per year. All other costs or savings of this new rule would be negligible. 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 Ibhohm 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Patti Trulli Ibhohm, Associate Director

**R810. Regents (Board of), University of Utah, Commuter Services. R810-12. Bicycles, Skateboards and Other Toy Vehicles.**

**R810-12-1. Rules and Enforcement.**

1. Bicycles, Skateboards and other toy vehicles definitions:

Toy vehicles are defined as roller skates, rollerblades, in-line skates, scooter or similar devices.

2. Rules and enforcement:

A. No person shall ride a bicycle, skateboard or other toy vehicle at a speed greater than 10 miles per hour upon any parking lot, sidewalk or pedestrian pathway.

B. Bicycles, skateboards and other toy vehicles shall not be ridden upon any ramps, stairway, wall, bench or other structure or facility or on or over any landscaped area.

C. Bicycles, skateboards and other toy vehicles shall not be ridden or used within any building or parking structure.

D. Violators will be issued a ticket which will be processed and settled through the office of Commuter Services.

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment: 2008**

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



**Tax Commission, Administration  
R861-1A-40**

**Waiver of Requirement to Post Security  
Prior to Judicial Review Pursuant to  
Utah Code Ann. Section 59-1-611**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 30838

FILED: 12/14/2007, 10:09

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The section is amended to make clear that the Attorney General has access to financial information of a taxpayer that seeks waiver of the requirement to post security prior to judicial review.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment indicates that a taxpayer seeking a waiver of the requirement to post security in order to seek judicial review of a commission order must provide the Attorney General a copy of all information required by the commission.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-611

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The proposed amendment reflects a sharing of information between parties.
- ❖ LOCAL GOVERNMENTS: None--The proposed amendment reflects a sharing of information between parties.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The proposed amendment reflects a sharing of information between parties.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The sharing of information with the Attorney General that the section requires is done in most cases currently. In a rare instance, the taxpayer or taxpayer's attorney would be required to share the information that is normally supplied as a matter of course.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated impacts. 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

**R861. Tax Commission, Administration.****R861-1A. Administrative Procedures.****R861-1A-40. Waiver of Requirement to Post Security Prior to Judicial Review Pursuant to Utah Code Ann. Section 59-1-611.**

(1) "Post security" is as defined in Section 59-1-611.

(2)(a) A taxpayer that seeks judicial review of a final commission determination of a deficiency may apply for a waiver of the requirement to post security with the commission by:

(i) [completing the financial statement provided by the commission]submitting a letter requesting the waiver;

(ii) providing financial information requested by the commission; and

(iii) providing a copy of the financial information to the attorney general that is representing the commission in the judicial review.

(b) The financial [statement]information described in Subsection (2)(a) shall be signed by the taxpayer under penalties of perjury.

(3) Upon review of the financial [statement]information described in Subsection (2), the commission shall:

(a) determine whether the taxpayer qualifies for a waiver of the requirement to post security with the commission; or

(b) if unable to make the determination under Subsection (3)(a) from the financial [statement]information, request additional information from the taxpayer as necessary to make that determination.

**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: 59-1-611**

◆ ————— ◆

## Tax Commission, Administration

### R861-1A-42

#### Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 30835

FILED: 12/14/2007, 09:53

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed section is to place current agency policy into rule.

SUMMARY OF THE RULE OR CHANGE: The proposed section sets forth the circumstances that may qualify for a waiver of penalty and interest.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-401

## ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The proposed section reflects current agency practice.
- ❖ LOCAL GOVERNMENTS: None--The proposed section reflects current agency practice.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The proposed section reflects current agency practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed section reflects current agency practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated impacts. 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 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

**R861. Tax Commission, Administration.****R861-1A. Administrative Procedures.****R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401.**(1) Procedure.

(a) A taxpayer may request a waiver of penalties or interest for reasonable cause under Section 59-1-401 if the following conditions are met:

(i) the taxpayer provides a signed statement, with appropriate supporting documentation, requesting a waiver;

(ii) the total tax owed for the period has been paid;

(iii) the tax liability is based on a return the taxpayer filed with the commission, and not on an estimate provided by the taxpayer or the commission;

(iv) the taxpayer has not previously received a waiver review for the same period; and

(v) the taxpayer demonstrates that there is reasonable cause for waiver of the penalty or interest.

(b) Upon receipt of a waiver request, the commission shall:

(i) review the request;

(ii) notify the taxpayer if additional documentation is needed to consider the waiver request; and

(iii) review the account history for prior waiver requests, taxpayer deficiencies, and historical support for the reason given.

(c) Each request for waiver is judged on its individual merits.

(d) If the request for waiver of penalty or interest is denied, the taxpayer has a right to appeal. Procedures for filing appeals are found in Title 63, Chapter 46b, Administrative Procedures Act, and commission rules.

(2) Reasonable Cause for Waiver of Interest. Grounds for waiving interest are more stringent than for penalty. To be granted a waiver of interest, the taxpayer must prove that the commission gave the taxpayer erroneous information or took inappropriate action that contributed to the error.

(3) Reasonable Cause for Waiver of Penalty. The following clearly documented circumstances may constitute reasonable cause for a waiver of penalty:

(a) Timely Mailing:

(i) The taxpayer mailed the return with payment to the commission by the due date and it was not timely delivered by the post office through no fault of the taxpayer. (ii) In cases where the taxpayer cannot document a post office error, the penalties may be waived if the taxpayer:

(A) has an excellent history of compliance;

(B) proves that sufficient funds were in the bank as of the date of payment, and the check was written in numerical order; and

(C) presents documentation showing that the return or payment was mailed timely.

(b) Wrong Filing Place: The return or payment was filed on time, but was delivered to the wrong office or agency.

(c) Death or Serious Illness:

(i) The death or serious illness of a taxpayer or a member of the taxpayer's immediate family caused the delay.

(ii) With respect to a business, trust or estate, the death or illness must have been of the individual, or the immediate family of the individual, who had sole authority to file the return.

(iii) The death or illness must have occurred on or immediately prior to the due date of the return.

(d) Unavoidable Absence: The person having sole responsibility to file the return was absent from the state due to circumstances beyond his or her control.

(e) Disaster Relief:

(i) A delay in reporting, filing, or paying was due either to a federal or state declared disaster or to a natural disaster, such as fire or accident, that results in the destruction of records or disruption of business.

(ii) If delinquency or delay is due to a federally declared disaster, federal relief guidelines shall be followed.

(iii) In the absence of federal guidelines, and for other listed disasters, the taxpayer must demonstrate the matter was corrected within a reasonable time, given the circumstances.

(f) Reliance on Erroneous Tax Commission Information:

(i) Underpayments and late filings or payments were attributable to incorrect advice obtained from the commission, unless the taxpayer gave the commission inaccurate or insufficient information.

(ii) Proof of erroneous information may be based on written communication provided by the commission or, if the taxpayer clearly documents, verbal communication. Clear documentation of verbal communication should include the dates, times, and names of commission employees who provided the erroneous information.



(iii) A failure to comply will also be excused if it is demonstrated that the taxpayer requested the necessary tax forms and instructions timely, and the commission failed to timely provide the forms and instructions requested.

(g) Tax Commission Office Visit: The taxpayer proves that before expiration of the time for filing the return or making the payment, the taxpayer visited a commission office for information or help in preparing the return and a commission employee was not available for consultation.

(h) Unobtainable Records: For reasons beyond the taxpayer's control, the taxpayer was unable to obtain records to determine the amount of tax due.

(i) Reliance on Competent Tax Advisor:

(i) The taxpayer fails to file a return after furnishing all necessary and relevant information to a competent tax advisor, who incorrectly advised the taxpayer that a return was not required.

(ii) The taxpayer is required, and has an obligation, to file the return. Reliance on a tax advisor to prepare a return does not automatically constitute reasonable cause for failure to file or pay. The taxpayer must demonstrate that ordinary business care, prudence, and diligence were exercised in determining whether to seek further advice.

(j) First Time Filer:

(i) It is the first return required to be filed and the taxes were filed and paid within a reasonable time after the due date.

(ii) The commission may also consider waiving penalties on the first return after a filing period change if the return is filed and tax is paid within a reasonable time after the due date.

(k) Bank Error:

(i) The taxpayer's bank has made an error in returning a check, making a deposit or transferring money.

(ii) A letter from the bank verifying its error is required.

(l) Compliance History:

(i) The commission will consider the taxpayer's recent history for payment, filing, and delinquencies in determining whether a penalty may be waived.

(ii) The commission will also consider whether other tax returns or reports are overdue at the time the waiver is requested.

(m) Employee Embezzlement: The taxpayer shows that failure to pay was due to employee embezzlement of the tax funds and the taxpayer was unable to obtain replacement funds from any other source.

(n) Recent Tax Law Change: The taxpayer's failure to file and pay was due to a recent change in tax law that the taxpayer could not reasonably be expected to be aware of.

(4) Other Considerations for Determining Reasonable Cause.

(a) The commission allows for equitable considerations in determining whether reasonable cause exists to waive a penalty. Equitable considerations include:

(i) whether the commission had to take legal means to collect the taxes;

(ii) if the error is caught and corrected by the taxpayer;

(iii) the length of time between the event cited and the filing date;

(iv) typographical or other written errors; and

(v) other factors the commission deems appropriate.

(b) Other clearly supported extraordinary and unanticipated reasons for late filing or payment, which demonstrate reasonable cause and the inability to comply, may justify a waiver of the penalty.

(c) In most cases, ignorance of the law, carelessness, or forgetfulness does not constitute reasonable cause for waiver. Nonetheless, other supporting circumstances may indicate that reasonable cause for waiver exists.

(d) Intentional disregard, evasion, or fraud does not constitute reasonable cause for waiver under any circumstance.

**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: 59-1-401**



Tax Commission, Auditing  
**R865-6F-37**  
Disclosure of Reportable Transactions  
and Material Advisor List Pursuant to  
Utah Code Ann. Sections 59-1-1301  
through 59-1-1309

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 30842

FILED: 12/14/2007, 10:32

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The section is amended because of federal form change.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment updates the federal forms a material advisory must attach to the state return.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-1-1301 through 59-1-1309

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The proposed amendment reflects recent federal form changes.

❖ LOCAL GOVERNMENTS: None--The proposed amendment reflects recent federal form changes.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The proposed amendment reflects recent federal form changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment merely directs affected persons to updated federal forms.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

**R865. Tax Commission, Auditing.**

**R865-6F. Franchise Tax.**

**R865-6F-37. Disclosure of Reportable Transactions and Material Advisor List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309.**

(1) A taxpayer shall disclose a reportable transaction to the commission by:

(a) marking the box on the taxpayer's corporate franchise or income tax return indicating that the taxpayer has filed federal form 8886, or successor form, with the Internal Revenue Service; and

(b) providing the commission a copy of the form described in Subsection (1)(a) upon the request of the commission.

(2)(a) A material advisor shall disclose a reportable transaction to the commission by attaching a copy of the federal form 8264, or successor form, and any additional information that the material advisor submitted to the Internal Revenue Service, to the form prescribed by the commission.

(b) A material advisor shall provide the commission the information described in Subsection (2)(a) within 60 days after the form 8264, or successor form, was required to be filed with the Internal Revenue Service.

(3)(a) The list of persons a material advisor is required to maintain under 26 C.F.R. Sec. 301.6112-1 shall satisfy the requirement for the list of persons a material advisor is required to maintain under Section 59-1-1307.

(b) If more than one material advisor is required to maintain a list of persons in accordance with Section 59-1-1307, the material advisor that maintained the list required by 26 C.F.R. Sec. 301.6112-1 shall maintain the list required by Section 59-1-1307.

**KEY: taxation, franchises, historic preservation, trucking industries**

**Date of Enactment or Last Substantive Amendment: [November 27, 2007]2008**

**Notice of Continuation: March 8, 2007**

**Authorizing, and Implemented or Interpreted Law: 59-1-1301 through 59-1-1309**

**Tax Commission, Auditing**

**R865-9I-53**

**Disclosure of Reportable Transactions and Material Advisor List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 30849

FILED: 12/14/2007, 14:56

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The section is amended because of federal form change.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment updates the federal forms a material advisor must attach to the state return.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-1-1301 through 59-1-1309

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The proposed amendment reflects the recent federal form changes.

❖ LOCAL GOVERNMENTS: None--The proposed amendment reflects the recent federal form changes.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The proposed amendment reflects the recent federal form changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment merely directs affected persons to updated federal forms.

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

## DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

**R865. Tax Commission, Auditing.****R865-91. Income Tax.****R865-91-53. Disclosure of Reportable Transactions and Material Advisor List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309.**

(1) A taxpayer shall disclose a reportable transaction to the commission by:

(a) marking the box on the taxpayer's individual income tax return indicating that the taxpayer has filed federal form 8886, or successor form, with the Internal Revenue Service; and

(b) providing the commission a copy of the form described in Subsection (1)(a) upon the request of the commission.

(2)(a) A material advisor shall disclose a reportable transaction to the commission by attaching a copy of the federal form 8264, or successor form, and any additional information that the material advisor submitted to the Internal Revenue Service, to the form prescribed by the commission.

(b) A material advisor shall provide the commission the information described in Subsection (2)(a) within 60 days after the form 8264, or successor form, was required to be filed with the Internal Revenue Service.

(3)(a) The list of persons a material advisor is required to maintain under 26 C.F.R. Sec. 301.6112-1 shall satisfy the requirement for the list of persons a material advisor is required to maintain under Section 59-1-1307.

(b) If more than one material advisor is required to maintain a list of persons in accordance with Section 59-1-1307, the material advisor that maintained the list required by 26 C.F.R. Sec. 301.6112-1 shall maintain the list required by Section 59-1-1307.

**KEY: historic preservation, income tax, tax returns, enterprise zones**

**Date of Enactment or Last Substantive Amendment:** ~~November 27, 2007~~ 2008

**Notice of Continuation:** March 20, 2007

**Authorizing, and Implemented or Interpreted Law:** 59-1-1301 through 59-1-1309

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**Tax Commission, Auditing**  
**R865-19S-121**  
**Sales and Use Tax Exemptions for**  
**Certain Purchases by a Mining Facility**  
**Pursuant to Utah Code Ann. Section**  
**59-12-104**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 30841

FILED: 12/14/2007, 10:27

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed section is drafted because language codified by S.B. 223 in the 2007 legislative session requires the Tax Commission to define the term "establishment" by rule. (DAR NOTE: S.B. 223 (2007) is found at Chapter 288, Laws of Utah 2007, and will be effective 01/01/2008.)

**SUMMARY OF THE RULE OR CHANGE:** The proposed section defines the terms "establishment" and "machinery and equipment"; and provides guidance for when the exemption applies that are consistent with the criteria for the sales tax exemption for a manufacturing facility.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-12-104

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** None--Any costs were taken into effect in S.B. 223 (2007).

❖ **LOCAL GOVERNMENTS:** None--Any costs were taken into effect in S.B. 223 (2007).

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** None--Any costs were taken into effect in S.B. 223 (2007).

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The sales tax exemption is for certain purchases by a mining facility. This proposed section defines an establishment that qualifies to take the sales tax exemption.

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

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

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

## DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

**R865. Tax Commission, Auditing.****R865-19S. Sales and Use Tax.****R865-19S-121. Sales and Use Tax Exemptions for Certain Purchases by a Mining Facility Pursuant to Utah Code Ann. Section 59-12-104.**(1) Definitions.

(a) "Establishment" means a unit of operations, that is generally at a single physical location in Utah, where qualifying activities are performed. If a business operates in more than one location (e.g., branch or satellite offices), each physical location is considered separately from any other locations operated by the same business.

(b) "Machinery and equipment" means electronic or mechanical devices having an economic life of three or more years including any accessory that controls the operation of the machinery and equipment.

(2) The exemptions do not apply to purchases of real property or items of tangible personal property that become part of the real property.

(3) Purchases of qualifying machinery and equipment are treated as purchases of tangible personal property under R865-19S-58, even if the item is affixed to real property upon installation.

(4) Machinery and equipment used for non-qualifying activities are eligible for the exemption if the machinery and equipment are primarily used in qualifying activities.

(5) The entity claiming the exemption shall retain records to support the claim that the machinery and equipment are qualified for exemption from sales and use tax under the provisions of this rule and Section 59-12-104.

(6) If a purchase consists of items that are exempt from sales and use tax under this rule and Section 59-12-104, and items that are subject to tax, the tax exempt items must be separately stated on the invoice or the entire purchase will be subject to tax.

**KEY: charities, tax exemptions, religious activities, sales tax**  
**Date of Enactment or Last Substantive Amendment: [~~October 9, 2007~~2008]**

**Notice of Continuation: March 13, 2007**

**Authorizing, and Implemented or Interpreted Law: 59-12-104**

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## Tax Commission, Motor Vehicle

# R873-22M-34

### Rule for Denial of Personalized License Plate Requests Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-411

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 30844

FILED: 12/14/2007, 11:52

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment clarifies confusing grammar in the current section.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment clarifies the prohibition on issuance of personalized license plates that refer to an intoxicant or illicit narcotic or drug.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-1a-104 and 41-1a-411

## ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The proposed amendment clarifies current language and, as such, is consistent with current agency practice.

❖ LOCAL GOVERNMENTS: None--The proposed amendment clarifies current language and, as such, is consistent with current agency practice.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The proposed amendment clarifies current language and, as such, is consistent with current agency practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment clarifies what sorts of personalized license plates are prohibited and is consistent with current agency practice.

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  
 MOTOR VEHICLE  
 210 N 1950 W  
 SALT LAKE CITY UT 84134, or  
 at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

**R873. Tax Commission, Motor Vehicle.****R873-22M. Motor Vehicle.****R873-22M-34. Rule for Denial of Personalized Plate Requests Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-411.**

(1) The personalized plate is a non-public forum. Nothing in the issuance of a personalized plate creates a designated or limited public forum. The presence of a personalized plate on a vehicle does not make the plate a traditional public forum.

(2) Pursuant to Section 41-1a-411(2), the division may not issue personalized license plates in the following formats:

(a) Combination of letters, words, or numbers with any connotation that is vulgar, derogatory, profane, or obscene.

(b) Combinations of letters, words, or numbers that connote breasts, genitalia, pubic area, buttocks, or relate to sexual and eliminatory functions. Additionally, "69" formats are prohibited unless used in a combination with the vehicle make, model, style, type, or commonly used or readily understood abbreviations of those terms, for example, "69 CHEV."

(c) Combinations of letters, words, or numbers that connote ~~the substance, paraphernalia, sale, user, purveyor of, or physiological state produced by any narcotic, intoxicant, or illicit drug.~~

(i) any intoxicant or any illicit narcotic or drug;

(ii) the sale, use, seller, purveyor, or user of any intoxicant or any illicit narcotic or drug; or

(iii) the physiological or mental state produced by any intoxicant or any illicit narcotic or drug.

(d) Combinations of letters, words, or numbers that express contempt, ridicule, or superiority of a race, religion, deity, ethnic heritage, gender, or political affiliation.

(e)(i) Combinations of letters, words, or numbers that express affiliations or actions that may be construed to suggest endangerment to the public welfare.

(ii) Examples of letters, words, or numbers described in Subsection (2)(e)(i) include words, signs, or symbols that represent:

(A) illegal activity;

(B) organized crime associations; or

(C) gang or gang terminology.

(iii) The division shall consult with local, state, and national law enforcement agencies to establish criteria to determine whether a combination of letters, words, or numbers express affiliations or actions that may be construed to suggest endangerment to the public welfare.

(3) If the division denies a requested combination, the applicant may request a review of the denial, in writing, within 15 days from the date of notification. The request must be directed to the Director of the Motor Vehicle Division and should include a detailed statement of the reasons why the applicant believes the requested license plates are not offensive or misleading.

(4) The director shall review the format for connotations that may reasonably be detected through linguistic, numerical, or phonetic modes of communication. The review may include:

(a) translation from foreign languages;

(b) an upside down or reverse reading of the requested format; and

(c) the use of references such as dictionaries or glossaries of slang, foreign language, or drug terms.

(5) The director shall consider the applicant's declared definition of the format, if provided.

(6) If the requested format is rejected by the director, the division shall notify the applicant in writing of the right to appeal the decision through the appeals process outlined in Tax Commission rule R861-1A-22.

(7) If, after issuance of a personalized license plate, the commission becomes aware through written complaint that the format may be prohibited under Subsection R873-22M-34(1), the division shall again review the format.

(8) If the division determines pursuant to Subsection R873-22M-34 (2) that the issued format is prohibited, the holder of the plates shall be notified in writing and directed to surrender the plates. This determination is subject to the review and appeal procedures outlined in Subsections (3) through (7) .

(9) A holder required to surrender license plates shall be issued a refund for the amount of the personalized license plate application fee and for the prorated amount of the personalized license plate annual renewal fee, or shall be allowed to apply for replacement personalized license plates at no additional cost.

(10) If the holder of plates found to be prohibited fails to voluntarily surrender the plates within 30 days after the mailing of the notice of the division's final decision that the format is prohibited, the division shall cancel the personalized license plates and suspend the vehicle registration.

**KEY: taxation, motor vehicles, aircraft, license plates**

**Date of Enactment or Last Substantive Amendment:** ~~August 7, 2006~~**2008**

**Notice of Continuation:** **March 12, 2007**

**Authorizing, and Implemented or Interpreted Law:** **41-1a-104; 41-1a-411**



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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).

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Administrative Services, Administration

## R13-3

### Americans with Disabilities Act Grievance Procedures

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

DAR FILE NO.: 30813  
FILED: 12/10/2007, 15:04

#### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is made under authority of Section 63A-1-105.5 and Subsection 63-46a-3(3). As required by 28 CFR 35.107, the Utah Department of Administrative Services, as a public entity that employs more than 50 persons, adopts and publishes the grievance procedures within this rule for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. 12131 through 12165, and 28 CFR Part 35.

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 regarding this rule since it was last reviewed in December 2002.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to provide for the prompt and equitable resolution of complaints alleging any action prohibited by the ADA and related federal regulations. Therefore, this rule should be continued.

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

ADMINISTRATIVE SERVICES  
ADMINISTRATION  
Room 3120 STATE OFFICE BLDG

450 N MAIN ST  
SALT LAKE CITY UT 84114-1201, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Kenneth A. Hansen at the above address, by phone at 801-538-3777, by FAX at 801-538-1773, or by Internet E-mail at khansen@utah.gov

AUTHORIZED BY: Kimberly K Hood, Executive Director

EFFECTIVE: 12/10/2007



## Environmental Quality, Radiation Control

## R313-15

### Standards for Protection Against Radiation

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

DAR FILE NO.: 30812  
FILED: 12/10/2007, 11:28

#### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(4) provides that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule has not been controversial. There have been three amendments to Rule

R313-15 since the last five-year review and no comments were submitted. The Division of Radiation Control staff has recommended to the Radiation Control Board that this rule be continued.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued because it establishes the standards for protection against ionizing radiation. The requirements are necessary to control the receipt, possession, use, transfer, and disposal of sources of radiation by any licensee or registrant so that the total radiation dose to an individual, including doses resulting from all sources of radiation other than background radiation, do not exceed established safety standards. The rule is also needed to meet the requirements of federal law relating to radiation control.

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](mailto:cwjones@utah.gov)

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 12/10/2007

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**Financial Institutions, Credit Unions**  
**R337-4**  
**Establishment of Credit Union Service Organizations**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
 DAR FILE No.: 30837  
 FILED: 12/14/2007, 10:00

**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: Subsection 7-1-301(15) and Section 7-1-505 authorize the commissioner with the powers, duties, and responsibilities with respect to institutions subject to the jurisdiction of the department and he shall issue appropriate rules and regulations consistent with the purposes and provisions of this title governing the regulation,

supervision, and examination of those persons, institutions, or classes of institutions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule clarifies that the department has jurisdiction over credit union service organizations and the activities of credit union service organizations; and should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 FINANCIAL INSTITUTIONS  
 CREDIT UNIONS  
 Room 201  
 324 S STATE ST  
 SALT LAKE CITY UT 84111-2393, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Paul Allred at the above address, by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at [PALLRED@utah.gov](mailto:PALLRED@utah.gov)

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 12/14/2007

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**Health, Health Care Financing,**  
**Coverage and Reimbursement Policy**  
**R414-4X**  
**Policy Statement on Denial of Payment to Medicaid Provider When Client Fails to Keep Scheduled Appointment**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
 DAR FILE No.: 30827  
 FILED: 12/12/2007, 14:13

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, Subsection 26-18-3(4) requires the department to provide disciplinary measures and sanctions for Medicaid providers who fail to comply with the rules and procedures of the

Medicaid program. Further, 42 CFR Chapter IV, Subchapter C, Part 455, requires the department to investigate fraud, and if necessary, to impose sanctions against providers.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to ensure the proper utilization of services by Medicaid providers. It also reduces the possibility of incorrect billing practices that may constitute fraud. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 12/12/2007

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**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-22  
Administrative Sanction Procedures  
and Regulations**

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

DAR FILE No.: 30826  
FILED: 12/12/2007, 14:09

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, Subsection 26-18-3(4) requires the department to provide disciplinary measures and sanctions for Medicaid providers

who fail to comply with the rules and procedures of the Medicaid program. Further, 42 CFR Chapter IV, Subchapter C, Part 455, requires the department to investigate fraud, and if necessary, to impose sanctions against providers.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because federal law requires the Medicaid program to implement sanctions against providers who engage in fraudulent practices. This rule also helps to promote quality service and integrity within the Medicaid program. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 12/12/2007

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**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-32  
Hospital Record-keeping Policy**

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

DAR FILE No.: 30824  
FILED: 12/12/2007, 14:02

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, Section 26-18-3 requires the department to administer the Medicaid program through administrative 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 or oral comments were received regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it establishes hospital record-keeping procedures. These procedures require hospitals to document that they provide services in accordance with client diagnosis, and that a licensed physician authorizes the services. This rule promotes quality and cost-effective care for Medicaid clients because it helps to ensure proper treatment. Therefore, this rule should be continued.

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

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

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 12/12/2007

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**Health, Health Care Financing,  
Coverage and Reimbursement Policy**  
**R414-504**  
**Nursing Facility Payments**

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

DAR File No.: 30825  
FILED: 12/12/2007, 14:06

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, Section 26-18-3 requires the department to administer the Medicaid program through administrative 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 regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it provides rate calculations for nursing facilities and intermediate care facilities for the mentally retarded. It also provides other reimbursement details for these providers. Therefore, this rule should be continued.

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

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

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 12/12/2007

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**Health, Center for Health Data, Vital  
Records and Statistics**  
**R436-6**  
**Delayed Registration of Birth or Death**

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

DAR FILE No.: 30790  
FILED: 12/03/2007, 14:09

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 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 26-2-15 provides for petitioning the courts for establishment of unregistered births or deaths after the fact.

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 R436-6 provides additional details necessary to register a court-ordered birth or death, including information needed and requirements for foreign-born children. The rule should be continued because it clarifies requirements for court-ordered vital events.

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: 12/03/2007

IN OPPOSITION TO THE RULE, IF ANY: Rule R436-11 authorizes a fee of \$0.50 for vital records registered at local offices and transmitted to the state, for offices not authorized to issue certified copies. In the absence of fees collected from issuing certified copies, this rule provides an important source of revenue to local health offices to support vital records registration activities, 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: 12/03/2007

◆ ————— ◆  
**Health, Center for Health Data, Vital  
 Records and Statistics**  
**R436-11**  
**Local Registrars**

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**  
 DAR FILE No.: 30791  
 FILED: 12/03/2007, 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 26-1-5 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 26-2-3 allows the department to divide the state into local registration districts. Section 26A-1-110 authorizes local health officers to act as local registrars of vital statistics.

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

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**Natural Resources, Water Resources**  
**R653-3**  
**Selecting Private Consultants**

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**  
 DAR FILE No.: 30792  
 FILED: 12/04/2007, 09:43

**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: This rule applies to the procurement of engineering services within the scope of the practice of professional engineering as defined in Section 58-22-102.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Water Resources is constantly selecting private consultants and therefore needs the criteria outlined in this rule. 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](mailto:geraleemurdock@utah.gov)

AUTHORIZED BY: Dennis J Strong, Director

EFFECTIVE: 12/04/2007

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## Natural Resources, Water Resources R653-4 Investigation Account

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

DAR FILE No.: 30793  
FILED: 12/04/2007, 10:04

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 73-10-8 established the Water Resources Investigation Account to provide moneys for special studies, investigations, engineering, inspections, and other expenses relating to the conservation and development of the waters.

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 Investigation Account is still in use and guidelines for it use are required. 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](mailto:geraleemurdock@utah.gov)

AUTHORIZED BY: Dennis J Strong, Director

EFFECTIVE: 12/04/2007

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## Natural Resources, Water Resources R653-6 Privatization Projects

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

DAR FILE No.: 30795  
FILED: 12/04/2007, 10:37

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The purpose of this rule is to establish a report form for the implementation of Section 73-10d-6 under the Utah Privatization 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: The report form is still required under the Utah Privatization Act in Section 73-10d-6. 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](mailto:geraleemurdock@utah.gov)

AUTHORIZED BY: Dennis J Strong, Director

EFFECTIVE: 12/04/2007

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Natural Resources, Water Resources  
**R653-7**  
 Administrative Procedures for Informal  
 Proceedings

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

DAR FILE No.: 30796  
 FILED: 12/04/2007, 10:52

**NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: As required by Section 63-46b-1, the Administrative Procedures Act, this rule provides the administrative procedures for informal hearings and declaratory orders.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Water Resources is still required to provide administrative procedures for informal proceedings, as required by the Administrative Procedures Act. 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](mailto:geraleemurdock@utah.gov)

AUTHORIZED BY: Dennis J Strong, Director

EFFECTIVE: 12/04/2007



Natural Resources, Water Resources  
**R653-8**  
 Flaming Gorge Water Right Assignment

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

DAR FILE No.: 30797  
 FILED: 12/04/2007, 11:03

**NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule establishes the priorities and procedures for segregating portions of the Flaming Gorge Water Right No. 41-3479 owned by the Board of Water Resources, as outlined in Section 73-10-24.

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 Board of Water resources is still accepting applications for portions of the Flaming Gorge Water Right and needs this rule outlining the priorities and procedures. Therefore, this rule should be continued.

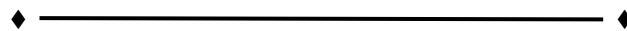
THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

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](mailto:geraleemurdock@utah.gov)

AUTHORIZED BY: Dennis J Strong, Director

EFFECTIVE: 12/04/2007



Natural Resources, Wildlife Resources  
**R657-23**  
 Utah Hunter Education Program

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

DAR FILE No.: 30808  
 FILED: 12/06/2007, 13:14

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 23-14-18, 23-14-19, and 23-19-11 the Wildlife Board is authorized to adopt rules to prescribe safety measures and provide the process for obtaining proof of successfully completing an approved hunter education course.

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 supporting or opposing Rule R657-23 were received since 12/31/2002 when the rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-23 provides the procedures and requirements for presenting and obtaining proof of having successfully completed an approved hunter education course. The procedures adopted in this rule have provided an effective and efficient process. Continuation of this rule is necessary for continued success of the hunter education program.

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

AUTHORIZED BY: James F Karpowitz, Director

EFFECTIVE: 12/06/2007



Natural Resources, Wildlife Resources  
**R657-33**  
Taking Bear

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

DAR FILE NO.: 30815  
FILED: 12/11/2007, 12:12

**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: Under Sections 23-14-18 and

23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

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 supporting or opposing Rule R657-33 were received since 12/31/2002 when the rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-33 provides the procedures, standards, and requirements for taking and pursuing bear. The provisions adopted in this rule are effective in providing the standards and requirements for taking and pursuing bear. Continuation of this rule is necessary for continued success of this program.

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

AUTHORIZED BY: James F Karpowitz, Director

EFFECTIVE: 12/11/2007



Public Service Commission,  
Administration  
**R746-100**  
Practice and Procedure Governing  
Formal Hearings

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

DAR FILE NO.: 30789  
FILED: 12/03/2007, 09:51

**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: This rule is authorized pursuant to Section 54-1-1 which requires the commission to exercise its rulemaking powers and Section 54-1-2.5 which establishes the requirements for commission procedure in Title 54, Chapter 7.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In December 2003, the commission, on its own initiative, proposed to amend the existing rule. The purpose of this amendment was to modify or add to the existing rule to acknowledge practices which had evolved in administration of proceedings before the commission. It also changed the rule designation of consumer complaints as informal administrative proceedings under the Utah Administrative Procedures Act. It established time periods in which response and reply documents are to be filed with the commission. Joint comments were submitted by Qwest Corporation and Questar Gas Company. These two commentators generally supported the proposed changes; they made limited suggestions regarding wording for the proposed changes. The Utah Rural Telecom Association commented, cautioning that changing consumer complaints to formal proceedings could complicate resolution of these complaints. No comments were submitted opposing the rule or suggesting it be eliminated. The commission considered the comments submitted by the three entities and submitted a change to the proposed rule. In Subsection R746-100-2(O), "presiding officer" was added. In Subsection R746-100-4(D), Times for Filing, "business" days was changed to "calendar" days, and "filing date" was changed to "service" of the pleading or document. In Subsection R746-100-8(C)(2), reference to Rule 26(b)(4), Utah Rules of Civil Procedure, was added. In Subsection R746-100-10(E)(2), "to the commission or court" was deleted, and Subsections R746-100-10(I)(1) and (2) were added concerning scheduling and technical conferences and payment for recording such meetings. In Subsection R746-100-11(F), the filing time for review or rehearing was clarified; a reference was corrected; and language was added concerning petitions for reconsideration. In May of 2007, the commission solicited comments from members of the public, companies, and attorneys for their suggestions on possible changes, deletions, or additions that may be considered. A public meeting was held on 06/06/2007 where the commission identified some possible areas of modification to further goals of open access to its proceedings, accommodate new and developing technologies, and functionalities to improve the extent and ease of disseminating information provided by the commission. The commission's existing procedural rule permits individual customers to participate in proceedings. Commission practice of allowing self-representation has been challenged by some, claiming that representation through someone who is not an attorney deprives those so represented of their due process rights. Most comments received suggested that the commission continue to allow self-representation in commission proceedings. Additional comments were received, suggesting specific modifications to various sections of the rule, but none suggested elimination of the rule or opposition to the rule's continuation. Suggestions were made to again incorporate practices and procedures which had evolved in the Commission's adjudicative process or to suggest changes viewed as clarifications of certain procedural steps. Support was given to steps the commission could undertake to provide easier access to material filed with the commission and that created by the commission.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The commission took comments from 2003 into consideration and made changes to proposed amendments to the rule. No further action has been taken with the most current comments in 2007. Rule R746-100 is necessary. It establishes organized and efficient procedures and guidelines to be followed in commission hearings and in filing pleadings and other documents. It ensures consistency in the format of information, making research more efficient and effective, and should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sheri Bintz at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Sandy Mooy, Legal Counsel

EFFECTIVE: 12/03/2007



Public Service Commission,  
Administration  
**R746-101**  
Statement of Rule for the Filing and  
Disposition of Petitions for Declaratory  
Rulings

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

DAR FILE NO.: 30799  
FILED: 12/05/2007, 15:01

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized pursuant to Section 54-1-1 which requires the commission to exercise its rulemaking powers. Subsection 63-46b-21(2) requires each agency to issue rules defining procedure for filing petitions for declaratory rulings.

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 R746-101 should be continued because it continues to be required by Subsection 63-46b-21(2). It identifies and sets forth the procedure for filing a Petition for Declaratory Ruling, the format of a petition, and the procedure of review and disposition of the petition. This rule makes it clear to the public what is expected from a petitioner and what they can expect from the commission when they need an explanation of rights, status, interests, or other legal relationships under a statute, rule, or order.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sheri Bintz at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Sandy Mooy, Legal Counsel

EFFECTIVE: 12/05/2007

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

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

DAR FILE No.: 30802  
FILED: 12/05/2007, 15:04

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 authorizes the commission to regulate every public utility in Utah and supervise the business of those public utilities necessary to accomplish that regulation and supervision. Section 54-4-7 requires that the commission provide rules to ensure that

utility service and equipment is just, safe, proper, and adequate. Section 54-7-25 provides for penalties referred to in Section R746-200-9.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In 2003, comments were submitted to clearly specify the time parameter with which termination of service may occur following issuance of a 48-hour notice. The commission made a change to the proposed rule to "clarify" that the "15" days referred to in Subsection R746-200-6(G)(2) should be business days to allow the utility company and the customer time to resolve payment issues before the additional 48-hour notice requirement is triggered. In 2004, comments were submitted by Utah Power and Questar asking for further clarification on who is authorized to sign a medical letter and life-support form. They would also like further clarification on "other life supporting equipment." The commission considered the comments and made a change to the rule identifying the specific health care providers who may provide information to continue utility service and clarified what information should be provided to the utility. The change also clarified that the utility will provide the form needed to be used in situations where life-support equipment is used. In 2006, comments were received requesting changes to the Deferred Payment Agreement section. The division scheduled meetings with representatives from Questar, Utah Power, and Utah Electric Cooperatives. The proposed rule amendments agreed to by the representatives were submitted to the commission. The commission held a technical conference to provide an opportunity to discuss the changes with all interested parties, including customer group representatives. The commission amended the rule based on those discussions.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The commission must continue to regulate every public utility in Utah and provide rules to ensure that utility service and equipment is just, safe, proper, and adequate. Rule R746-200 establishes and enforces utility residential service practices and procedures such as eligibility, deposits, account billing, deferred payment agreements, termination, review of consumer complaints and penalties; and therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sheri Bintz at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Sandy Mooy, Legal Counsel

EFFECTIVE: 12/05/2007

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**Public Service Commission,  
Administration  
R746-310  
Uniform Rules Governing Electricity  
Service by Electric Utilities**

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

DAR FILE No.: 30801  
FILED: 12/05/2007, 15:03

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-1-1 requires that the commission exercise its rulemaking powers. Section 54-4-1 authorizes the commission to regulate every public utility in Utah. Section 54-4-7 requires that the commission provide rules to ensure that utility service and equipment is just, safe, proper, and adequate. Section 54-4-14 authorizes the commission to promulgate rules to require utilities to conduct business in such a way as to safeguard the health and safety of its employees, customers, and the public. Section 54-4-23 authorizes the commission to prescribe a system of accounts to be kept by public utilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In 2003, proposed changes were submitted to reflect the current National Electrical Safety Code, 2002 edition, and allow for identification of the document ISBN for document identification. The commission initiated the proposed changes into the rule. In October 2007, proposed changes were submitted to update references reflecting Subsection R746-310-1(B)(13), the reference is updated to the 2007 edition; and at Subsection R746-310-4(B)(1), the reference is updated to the 2006 edition. Not further 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 R746-310 establishes guidelines for customer relations; meters and meter testing; station instruments, voltage and frequency restrictions; design, construction, and operation of facilities; line extensions; accounting; billing adjustments; overbilling; and preservation of records. This rule is necessary because the commission is required to regulate every public utility in Utah,

including electric utilities, and to provide rules to ensure that utility service and equipment is just, safe, proper, and adequate; and therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sheri Bintz at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Sandy Mooy, Legal Counsel

EFFECTIVE: 12/05/2007

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**Public Service Commission,  
Administration  
R746-320  
Uniform Rules Governing Natural Gas  
Service**

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

DAR FILE No.: 30800  
FILED: 12/05/2007, 15:02

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized pursuant to Section 54-1-1 which requires the commission to exercise its rulemaking powers; Section 54-4-1 which gives the commission the power and jurisdiction to regulate all public utilities in Utah; and Section 54-4-7 which requires that the commission provide rules to ensure that utility service and equipment is just, safe, proper, and adequate. Section 54-4-14 authorizes the commission to promulgate rules to require utilities to conduct business in such a way as to safeguard the health and safety of its employees, customers, and the public. Section 54-4-23 authorizes the commission to prescribe a system of accounts to be kept by public utilities.

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 R746-320 should be continued because it establishes guidelines for methods and conditions of service for natural gas utilities such as: quality control of equipment; standards; records; and reports; testing and location of meters; plant operation and construction; records; and accounting.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sheri Bintz at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Sandy Mooy, Legal Counsel

EFFECTIVE: 12/05/2007

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**Public Service Commission,  
Administration**

**R746-343**

**Rule for Deaf, Severely Hearing or  
Speech Impaired Person**

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

DAR File No.: 30830  
FILED: 12/13/2007, 11:22

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized pursuant to Section 54-8b-10 which requires the commission to exercise its rulemaking powers to establish a program to provide telephone service to certified deaf, severe hearing impaired, or speech impaired persons; to impose a surcharge on access lines to cover the cost of the program; and to administer the money collected.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received in the last 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 should be continued because it establishes eligibility requirements, and sets forth the procedure for approval of an application and the distribution process for telecommunications devices for the deaf (TDDs). This rule provides instructions for training, replacement of TDDs, ownership and liability, and out-of-state use. The rule also sets forth the liability of the telephone relay center and confidentiality and privacy requirements. Section R746-343-15 establishes the surcharge to be collected to cover the cost of the program as required by Subsection 54-8b-10(4). This rule is also necessary to comply with provisions in the Americans with Disabilities Act (ADA) and Federal Communication Commission (FCC) regulations.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sheri Bintz at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Sandy Mooy, Legal Counsel

EFFECTIVE: 12/13/2007

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**School and Institutional Trust Lands,  
Administration**

**R850-70**

**Sales of Forest Products from Trust  
Lands Administration Lands**

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

DAR File No.: 30794  
FILED: 12/04/2007, 10:21

**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: Subsection 53C-1-302(1)(a)(ii) authorizes the director of the School and Institutional Trust Lands Administration to provide for the sale of forest products, desert products, and other vegetative material from Trust Lands Administration lands.

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 Trust Lands Administration made substantial changes to this rule in May 2004, which resulted in comments and suggestions from the Utah Farm Bureau Federation. Their comments were directed at the following: 1) definition for sawlogs; 2) noncompetitive sales that could potentially result in unfair discrimination against qualified buyers; 3) the advertising process used for competitive sales and the limitations on oral auctions; 4) the size of the bond required; 5) the variables to be considered in granting an extension of time; and 6) the amounts of adjustment to be passed to the forest operators under long term agreements, based on changes in the lumber price index. These comments and recommendations were reviewed by the agency and a response was made to the Utah Farm Bureau Federation, in writing, addressing each of their concerns. The changes to this rule became effective on 07/02/2004.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule allows the agency to continue to effectively manage the forest products on the trust lands. The comments and concerns expressed by the Utah Farm Bureau Federation were directed at giving timber operators every advantage possible under an

agreement. However, the agency's obligation to make decisions that are in the best interests of the trust beneficiaries takes precedent over giving the operators an advantage for a higher profit and precluded incorporating many of their suggestions.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kim S. Christy at the above address, by phone at 801-538-5183, by FAX at 801-355-0922, or by Internet E-mail at kimchristy@utah.gov

AUTHORIZED BY: Kevin S. Carter, Director

EFFECTIVE: 12/04/2007



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

## NOTICES OF EXPIRED RULES

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Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (*Utah Code* Section 63-46a-9 (1996)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules (Division). However, if the agency fails to file either the review or the extension by the five-year anniversary date of the rule, the rule expires. Upon expiration of the rule, the Division is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule, and it must follow regular rulemaking procedures to replace the rule if necessary.

The rules listed below were *not* reviewed in accordance with Section 63-46a-9 (1996). These rules have expired and have been removed from the *Utah Administrative Code*. The expiration of administrative rules for failure to comply with the five-year review requirement is governed by *Utah Code* Subsection 63-46a-9(8) (1996).

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### Natural Resources

#### Water Resources

No. 30850: R653-2. Financial Assistance from the Board of Water Resources.

ENACTED OR LAST REVIEWED: 12/13/2002 (No. 25901, 5YR, filed 12/13/2002 at 11:27 a.m., published 01/01/2003).

EXPIRED: 12/14/2007

(DAR NOTE: A proposed new rule filing for Rule R653-2 is under DAR No. 30855 and will be published in the January 15, 2008, issue of the Bulletin.)

**End of the Notices of Expired Rules Section**

## NOTICES OF RULE EFFECTIVE DATES

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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).

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### Abbreviations

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

### Agriculture and Food

#### Plant Industry

No. 30469 (AMD): R68-15. Quarantine Pertaining to Japanese Beetle, (*Popillia Japonica*).  
Published: October 15, 2007  
Effective: December 14, 2007

#### Regulatory Services

No. 30528 (AMD): R70-330. Raw Milk for Retail.  
Published: November 1, 2007  
Effective: December 14, 2007

No. 30527 (AMD): R70-540. Food Establishment Registration.  
Published: November 1, 2007  
Effective: December 14, 2007

No. 30492 (AMD): R70-550-2. Adopt by Reference.  
Published: October 15, 2007  
Effective: December 14, 2007

### Commerce

#### Occupational and Professional Licensing

No. 30359 (AMD): R156-9. Funeral Service Licensing Act Rules.  
Published: September 15, 2007  
Effective: December 10, 2007

No. 30359 (CPR): R156-9. Funeral Service Licensing Act Rules.  
Published: November 1, 2007  
Effective: December 10, 2007

### Health

#### Health Systems Improvement, Emergency Medical Services

No. 30489 (AMD): R426-5-8. Data Requirements for an Inclusive Trauma System.  
Published: October 15, 2007  
Effective: December 12, 2007

### Human Services

#### Administration

No. 30564 (AMD): R495-810. Government Records Access and Management Act.  
Published: November 1, 2007  
Effective: December 11, 2007

**End of the Notices of Rule Effective Dates Section**

## 2007 RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

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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 December 14, 2007, the effective dates of which are no later than January 1, 2008. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

**DAR NOTE: Because of space constraints, the Keyword Index is not included.**

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/>).

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### 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	

#### **Administrative Services**

##### Administration

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	2008-1/67

##### Administrative Rules

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

##### Debt Collection

R21-1	Transfer of Collection Responsibility of State Agencies (5YR EXTENSION)	29917	NSC	08/29/2007	Not Printed see 5YR DAR No. 30374
R21-1	Transfer of Collection Responsibility of State Agencies	30374	5YR	08/29/2007	2007-18/70

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R21-2	Office of State Debt Collection Administrative Procedures (5YR EXTENSION)	29918	NSC	08/29/2007 see 5YR DAR No. 30375	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 (5YR EXTENSION)	29919	NSC	08/29/2007 see 5YR DAR No. 30376	Not Printed
R21-3	Debt Collection Through Administrative Offset	30376	5YR	08/29/2007	2007-18/71
<b><u>Facilities Construction and Management</u></b>					
R23-1	Procurement of Construction	29965	5YR	05/24/2007	2007-12/59
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R23-19	Facility Use Rules	29964	5YR	05/24/2007	2007-12/59
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R23-25	Administrative Rules Adjudicative Proceedings	29474	AMD	04/11/2007	2007-4/2
<b><u>Finance</u></b>					
R25-7	Travel-Related Reimbursements for State Employees	29910	AMD	07/03/2007	2007-10/3
R25-7-6	Travel-Related Reimbursements for State Employees	29953	AMD	08/20/2007	2007-12/6
R25-14	Payment of Attorneys Fees in Death Penalty Cases	29424	5YR	01/17/2007	2007-4/54
<b><u>Fleet Operations</u></b>					
R27-4	Vehicle Replacement and Expansion of State Fleet	30212	5YR	07/25/2007	2007-16/57
R27-5	Fleet Tracking	29457	5YR	01/29/2007	2007-4/54
R27-6	Fuel Dispensing Program	29515	5YR	02/14/2007	2007-5/19
R27-8	State Vehicle Maintenance Program	29534	5YR	02/21/2007	2007-6/36
R27-10	Identification Mark for State Motor Vehicles	29939	5YR	05/14/2007	2007-11/84
<b><u>Fleet Operations, Surplus Property</u></b>					
R28-1	State Surplus Property Disposal	29550	5YR	02/26/2007	2007-6/36
R28-7	Surplus Property Rate Schedule	29946	5YR	05/15/2007	2007-11/84
<b><u>Purchasing and General Services</u></b>					
R33-1	Utah State Procurement Rules Definitions	30750	5YR	11/23/2007	2007-24/33
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R33-4	Specifications	30752	5YR	11/23/2007	2007-24/34
R33-5	Construction and Architect-Engineer Selection	30754	5YR	11/23/2007	2007-24/35
R33-8	Property Management	30753	5YR	11/23/2007	2007-24/36
<b><u>Records Committee</u></b>					
R35-2-2	Declining Requests for Hearings	29081	AMD	01/05/2007	2006-20/2
<b><u>Risk Management</u></b>					
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R37-2	Risk Management State Workers' Compensation Insurance Administration	30047	5YR	06/08/2007	2007-13/140
R37-3	Risk Management Adjudicative Proceedings	30048	5YR	06/08/2007	2007-13/141
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgment	30565	5YR	10/09/2007	2007-21/78
<b><u>Agriculture and Food Administration</u></b>					
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<b><u>Animal Industry</u></b>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	29506	5YR	02/08/2007	2007-5/19
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	29912	AMD	08/07/2007	2007-11/4
R58-6	Poultry	29504	5YR	02/08/2007	2007-5/20
R58-8	Testing and Vaccination of Bovine Livestock for Brucellosis Control (5YR EXTENSION)	29512	NSC	06/07/2007 see 5YR DAR No. 30041	Not Printed
R58-8	Testing and Vaccination of Bovine Livestock for Brucellosis Control	30041	5YR	06/07/2007	2007-13/142

R58-8	Testing and Vaccination of Bovine Livestock for Brucellosis Control	30045	REP	08/07/2007	2007-13/3
R58-10-3	Federal Regulations Adopted by Reference	30450	AMD	11/08/2007	2007-19/2
R58-11	Slaughtering of Livestock	30449	AMD	11/08/2007	2007-19/2
R58-18	Elk Farming	29505	5YR	02/08/2007	2007-5/20
R58-19	Compliance Procedures	30439	5YR	09/12/2007	2007-19/45
R58-22	Equine Infectious Anemia (EIA)	29503	5YR	02/08/2007	2007-5/21
R58-23	Equine Viral Arteritis (EVA)	29342	NEW	02/28/2007	2007-1/5

**Marketing and Development**

R65-11	Utah Sheep Marketing Order	30457	5YR	09/17/2007	2007-20/65
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**Plant Industry**

R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	30475	5YR	09/20/2007	2007-20/65
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	30469	AMD	12/14/2007	2007-20/3
R68-19	Compliance Procedures	29453	5YR	01/29/2007	2007-4/55
R68-20	Utah Organic Standards	29347	AMD	02/28/2007	2007-1/6

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R70-330	Raw Milk for Retail	30100	AMD	08/07/2007	2007-13/3
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R70-350	Ice Cream and Frozen Dairy Foods Standards	29499	5YR	02/05/2007	2007-5/22
R70-360	Procedure for Obtaining a License to Test Milk for Payment	29500	5YR	02/05/2007	2007-5/23
R70-530	Food Protection	29632	5YR	03/12/2007	2007-7/149
R70-540	Food Establishment Registration	30527	AMD	12/14/2007	2007-21/10
R70-550	Utah Inland Shellfish Safety Program	29970	NEW	08/07/2007	2007-12/7
R70-550-2	Adopt by Reference	30492	AMD	12/14/2007	2007-20/5
R70-560	Inspection and Regulation of Cottage Food Production Operations	30062	NEW	08/07/2007	2007-13/7

**Alcoholic Beverage Control**

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R81-1-3	General Policies	30168	NSC	07/30/2007	Not Printed
R81-1-6	Violation Schedule	29439	AMD	03/30/2007	2007-4/4
R81-1-6	Violation Schedule	30166	AMD	08/27/2007	2007-14/4
R81-1-21	Beer Advertising in Event Venues	30169	NSC	07/30/2007	Not Printed
R81-1-25	Sexually-Oriented Entertainers and Stage Approvals	29898	AMD	06/29/2007	2007-10/8
R81-1-26	Criminal History Background Checks	29440	AMD	03/30/2007	2007-4/6
R81-4D-1	Licensing	30167	NSC	07/30/2007	Not Printed

**Attorney General**

**Administration**

R105-2	Records Access and Management	30037	5YR	06/05/2007	2007-13/142
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**Auditor**

**Administration**

R123-3	State Auditor Adjudicative Proceedings	30616	5YR	10/24/2007	2007-22/90
R123-4	Public Petitions for Declaratory Orders	30617	5YR	10/24/2007	2007-22/90
R123-5	Audit Requirements for Audits of Political Subdivisions and Nonprofit Organizations	30623	5YR	10/26/2007	2007-22/91
R123-5	Audit Requirements for Audits of Political Subdivisions and Nonprofit Organizations	30615	NSC	11/13/2007	Not Printed

**Capitol Preservation Board (State)**

**Administration**

R131-3	Use of Magnetometers on Capitol Hill	29952	5YR	05/16/2007	2007-12/60
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R151-33	Pete Suazo Utah Athletic Commission Act Rule	30164	NSC	07/05/2007	Not Printed
(Changed to R859-1)					
R151-35	Powersport Vehicle Franchise Act Rule	30195	5YR	07/13/2007	2007-15/61

Consumer Protection

R152-6	Utah Administrative Procedures Act Rules	30118	5YR	06/22/2007	2007-14/42
R152-11	Utah Consumer Sales Practices Act	29470	5YR	02/01/2007	2007-4/55
R152-15	Business Opportunity Disclosure Act Rules	30119	5YR	06/22/2007	2007-14/42
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R152-22	Charitable Solicitations Act	29427	AMD	04/02/2007	2007-4/8
R152-22	Charitable Solicitations Act	30120	5YR	06/22/2007	2007-14/43
R152-23	Utah Health Spa Services	29238	AMD	01/23/2007	2006-24/3
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R152-26	Telephone Fraud Prevention Act	29379	AMD	02/23/2007	2007-2/3
R152-26	Telephone Fraud Prevention Act	29594	5YR	03/05/2007	2007-7/149
R152-34	Postsecondary Proprietary School Act Rules	29710	AMD	05/22/2007	2007-8/4
R152-34	Postsecondary Proprietary School Act Rules	30101	5YR	06/15/2007	2007-13/142
R152-42	Uniform Debt-Management Services Act Rules	29413	NEW	05/22/2007	2007-3/5
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R152-42	Uniform Debt-Management Services Act Rules	29413	CPR	05/22/2007	2007-8/114

Corporations and Commercial Code

R154-1	Central Filing System for Agriculture Product Liens	30592	5YR	10/16/2007	2007-22/91
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Occupational and Professional Licensing

R156-1	General Rules of the Division of Occupational and Professional Licensing	29586	5YR	03/01/2007	2007-6/37
R156-1-102	Definitions	29555	NSC	03/09/2007	Not Printed
R156-3a	Architect Licensing Act Rules	30113	AMD	08/23/2007	2007-14/7
R156-9	Funeral Service Licensing Act Rules	30359	AMD	12/10/2007	2007-18/5
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R156-9	Funeral Service Licensing Act Rules	30359	CPR	12/10/2007	2007-21/72
R156-9-302a	Qualifications for Licensure - Examination Requirements	29391	AMD	03/13/2007	2007-3/6
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rules	29013	AMD	01/11/2007	2006-19/5
see CPR in 12/01/2006 Bulletin					
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules	29013	CPR	01/11/2007	2006-23/87
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules	29432	AMD	03/27/2007	2007-4/9
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule	29810	5YR	04/12/2007	2007-9/33
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule	30158	AMD	08/21/2007	2007-14/10
R156-11a	Barber, Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule	30463	NSC	10/18/2007	Not Printed
R156-16a	Optometry Practice Act Rules	29871	5YR	04/26/2007	2007-10/106
R156-17b	Pharmacy Practice Act Rules	29770	AMD	05/24/2007	2007-8/8
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	29355	AMD	02/22/2007	2007-2/3
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rule	30725	5YR	11/15/2007	2007-23/78
R156-24a	Physical Therapist Practice Act Rules	29459	5YR	01/30/2007	2007-4/56
R156-26a	Certified Public Accountant Licensing Act Rules	29473	5YR	02/01/2007	2007-4/56
R156-26a-302b	Qualifications for Licensure - Experience Requirements	30365	NSC	09/13/2007	Not Printed
R156-28	Veterinary Practice Act Rules	29472	5YR	02/01/2007	2007-4/57
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R156-37-502	Unprofessional Conduct	30696	NSC	11/30/2007	Not Printed
R156-37-610	Controlled Substance Database - Limitations on Access to Database Information -Standards and Procedures for Identifying Individuals Requesting Information	30360	AMD	10/22/2007	2007-18/10
R156-40-302c	Qualifications for Licensure - Examination Requirements	29825	NSC	04/26/2007	Not Printed
R156-40a	Athletic Trainer Licensing Act Rule	29353	NEW	02/22/2007	2007-2/9
R156-41	Speech-Language Pathology and Audiology Licensing Act Rules	29471	5YR	02/01/2007	2007-4/57
R156-42a	Occupational Therapy Practice Act Rules	29356	AMD	02/22/2007	2007-2/11
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	29396	5YR	01/09/2007	2007-3/56
R156-55a	Utah Construction Trades Licensing Act Rules	30172	AMD	11/26/2007 see CPR in 10/15/2007 Bulletin	2007-15/3
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R156-56	Utah Uniform Building Standard Act Rules	29393	AMD	03/13/2007	2007-3/7
R156-56	Utah Uniform Building Standard Act Rules	29745	5YR	03/29/2007	2007-8/119
R156-56	Utah Uniform Building Standard Act Rules	29863	AMD	07/01/2007	2007-10/21
R156-56	Utah Uniform Building Standard Act Rules	29866	AMD	07/01/2007	2007-10/10
R156-56	Utah Uniform Building Standard Act Rules	30132	NSC	07/01/2007	Not Printed
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