UTAH STATE BULLETIN

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The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764, FAX 801-537-9240. Additional rulemaking information, and electronic versions of all administrative rule publications are available at: 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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TABLE OF CONTENTS

CUTIVE DOCUMENTS	
Governor	
Administration	
Governor's Executive Order EO/08/2012: Wildland Fire Management	
Governor's Proclamation 2012/06/E: Calling Fifty-Ninth Legislature Into the	
Sixth Extraordinary Session	
TICES OF PROPOSED RULES	
Administrative Services	
Purchasing and General Services	
No. 36657 (New Rule): R33-12 Rules of Procedure for Procurement Policy	
Board and Procurement Appeals Panel	
Commerce	
Occupational and Professional Licensing	
No. 36629 (Amendment): R156-1 General Rule of the Division of Occupational	
and Professional Licensing	
No. 36630 (Amendment): R156-46b Division Utah Administrative Procedures	
Act Rule	
Education	
Administration	
No. 36658 (Amendment): R277-401 Child Abuse-Neglect Reporting by Education	
Personnel	
No. 36659 (Amendment): R277-407-1 Definitions	
No. 36660 (Amendment): R277-419 Pupil Accounting	
No. 36661 (Amendment): R277-433 Disposal of Textbooks in the Public Schools	
No. 36662 (Amendment): R277-445 Classifying Small Schools as Necessarily Existent	
No. 36663 (Amendment): R277-475 Patriotic, Civic and Character Education	2
No. 36664 (Amendment): R277-477 Distribution of Funds from the Interest and	
Dividend Account (School LAND Trust Funds) and Administration of the School	0
LAND Trust ProgramNo. 36665 (Amendment): R277-514 Board Procedures: Sanctions for Educator	2
Misconduct	2
No. 36666 (Amendment): R277-703 Centennial Scholarship for Early Graduation	
No. 36667 (Amendment): R277-709 Education Programs Serving Youth in Custody	
No. 36668 (Amendment): R277-713 Concurrent Enrollment of High School Students	
in College Courses	4
No. 36669 (Amendment): R277-726 Statewide Public Education Online Program	4
Environmental Quality	
Air Quality	
No. 36624 (Amendment): R307-101 General Requirements	4
No. 36625 (Amendment): R307-102 General Requirements: Broadly Applicable	
Requirements	5
No. 36626 (Amendment): R307-123 General Requirements: Clean Fuels and Vehicle	
Technology Grant and Loan Program	5
No. 36627 (Amendment): R307-135 Enforcement Response Policy for Asbestos Hazard	
Emergency Response Act	6
No. 36628 (Amendment): R307-307 Davis, Salt Lake, and Utah Counties: Road Salting	_
and Sanding	6
Governor	
Economic Development, Consumer Health Services	
No. 36634 (New Rule): R358-1 Electronic Standards for Transmitting Information through the Health Insurance Exchange.	•
ine mealin insurance exchange	6

EXECUTIVE DOCUMENTS

As part of his or her constitutional duties, the Governor periodically issues **E**XECUTIVE **D**OCUMENTS comprised of Executive Orders, Proclamations, and Declarations. "Executive Orders" set policy for the Executive Branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. "Proclamations" call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. "Declarations" designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **E**XECUTIVE **D**OCUMENTS that have legal effect with the Division of Administrative Rules for publication and distribution. All orders issued by the Governor not in conflict with existing laws have the full force and effect of law during a state of emergency when a copy of the order is filed with the Division of Administrative Rules. (See Section 63K-4-401).

Governor's Executive Order EO/08/2012: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

WHEREAS, the danger from wildland fires is extremely high throughout the State of Utah;

WHEREAS, wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment;

WHEREAS, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended;

WHEREAS, immediate action is required to suppress the fires and mitigate post-burn flash floods to protect public safety, property, natural resources and the environment;

WHEREAS, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981.

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of August 10, 2012 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 10th day of August 2012

(State Seal)

	Gary R. Herbert Governor
ATTEST:	Lieutenant Governor Greg Bell
EO/08/2012	

PROCLAMATION

Governor's Proclamation 2012/06/E: Calling Fifty-Ninth Legislature Into the Sixth Extraordinary Session

WHEREAS, since the close of the 2012 General Session of the 59th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 59th Legislature into the Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of August 2012, at 1:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2012 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 13th day of August 2012.

Gary R. Herbert Governor

Greg Bell Lieutenant Governor

2012/06/E

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a Proposed Rule when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between <u>August 02, 2012, 12:00 a.m.</u>, and <u>August 15, 2012, 11:59 p.m.</u> are included in this, the <u>September 01, 2012</u> 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 October 1, 2012. The agency may accept comment beyond this date and will indicate 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 hold a hearing on a specific Proposed Rule. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through <u>December 30, 2012</u>, the agency may notify the Division of Administrative Rules that it wants to make the <u>Proposed Rule</u> 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 <u>Proposed Rule</u> in response to comments received. If the Division of Administrative Rules does not receive a <u>Notice</u> of <u>Effective Date</u> or a <u>Change in Proposed Rule</u>, the <u>Proposed Rule</u> 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 63G-3-301; Rule R15-2; and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

Administrative Services, Purchasing and General Services R33-12

Rules of Procedure for Procurement Policy Board and Procurement Appeals Panel

NOTICE OF PROPOSED RULE

(New Rule) DAR FILE NO.: 36657 FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new Rule R33-12 is to establish procedures for the meetings of the Procurement Policy Board, as well as the procedures for an appeal before the Procurement Appeals Panel.

SUMMARY OF THE RULE OR CHANGE: This new Rule R33-12 establishes procedures for the meetings of the Procurement Policy Board, as well as the procedures for an appeal before the Procurement Appeals Panel.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-6-807 and Subsection 63G-6-201(3)(a)(i)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule will not affect the state budget because it is simply establishing procedures for the meetings of the Procurement Policy Board as well as the procedures for appeals before the Procurement Appeals Panel.
- ♦ LOCAL GOVERNMENTS: This rule will not affect the budget of local governments because it is simply establishing procedures for the meetings of the Procurement Policy Board as well as the procedures for appeals before the Procurement Appeals Panel.
- ♦ SMALL BUSINESSES: This rule will not affect the budget for small businesses, because it is simply establishing procedures for the meetings of the Procurement Policy Board as well as the procedures for appeals before the Procurement Appeals Panel.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule will not affect the budget of any other persons, other than small businesses, businesses, or local government entities, because it is simply establishing procedures for the meetings of the Procurement Policy Board, as well as the procedures for appeals before the Procurement Appeals Panel.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs associated with this rule filing, because it is simply establishing procedures for the Procurement Policy Board meetings, as well as the procedures for appeals before the Procurement Appeals Panel. There are security deposit costs that may have to be paid by appellants, but this will also help those in private industry that properly won contracts. This rule will not affect the taxpayers budget.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The impact on businesses should be minimal.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ♦ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: Kent Beers, Director

R33. Administrative Services, Division of Purchasing and General Services.

R33-12. Rules of Procedure for Procurement Policy Board and Procurement Appeals Panel.

R33-12-1. Purpose.

The purpose of this Rule R33-12 is to establish procedures for the meetings of the Procurement Policy Board as well as the procedures for an appeal before the Procurement Appeals Panel.

R33-12-2. Authority.

This Rule R33-12 is authorized under Subsection 63G-6-201(3)(a)(i) which directs that the Procurement Policy Board "adopt rules of procedure for conducting its business." The Procurement Policy Board is also authorized to make rules under Section 63G-6-807 et seq.

R33-12-3. Definitions.

- All definitions in the Utah Procurement Code, Title 63G, Chapter 6, shall apply to this Rule R33-12. In addition the following definitions shall apply to this Rule R33-12:
- (1) "Attendance" means a person attending a Board meeting, either in person or through electronic means as authorized by this Rule.
- (2) "Board" means the Procurement Policy Board established under Section 63G-6-201.
- (3) "Chair" means the person elected as Chair of the Board pursuant to Subsection 63G-6-201 (3)(a)(ii).
- (4) "Chief Procurement Officer" means the Chief Procurement Officer as defined in the Utah Procurement Code.
- (5) "Director" means the Director of the Division of Purchasing and General Services or a duly authorized designee.
- (6) "Division" means the Division of Purchasing and General Services.
- (7) "Electronic meeting" is as defined in Section 52-4-103.
- (8) "Open and Public Meetings Laws" means those laws provided by Title 52, Chapter 4, Utah Code.
- (9) "Parties of Record" means the person(s) that have appealed the protest decision to the Procurement Policy Board, the entity or entities that made the subject procurement, the entity or entities who are the intended beneficiaries of the procurement, as well as those that have approved to intervene in accordance with this Rule R23-12.
- (10) "Presiding Officer" means the Chair. The Chair may choose, either because of unavailability or any other reason, an alternate Presiding Officer.
 - (11) "Protest Officer" means:
- (a) as it relates to a purchasing agency, the head of the purchasing agency or a designee of the head of the purchasing agency;
- (b) as it relates to a local public procurement unit, the purchasing officer or the governing body of the local public procurement unit, or a designee of either;
- (c) as it relates to a public procurement unit other than a public procurement unit described in Subsection (1)(a) or (b) of this Rule R33-12-3, the chief procurement officer or the chief procurement officer's designee.

R33-12-4. Composition of Board.

- (1) The Board consists of fifteen voting members, as well as a nonvoting secretary appointed by the Chief Procurement Officer, who must be an employee of the Division.
- (2) The secretary shall not be considered as part of the quorum requirement for Board meetings or determinations.

R33-12-5. Calling Meetings.

The Chair or any three voting members may call meetings of the Board. The Executive Director of the Department of Administrative Services or Director may also call a meeting.

R33-12-6. Chair, Presiding Officer and Basic Responsibilities.

(1) The Chair shall be the Presiding Officer at all Board meetings.

- (2) The Chair may choose, either because of unavailability or any other reason, an alternate Presiding Officer, who is a member of the Board.
- (3) The Presiding Officer shall be able to make motions and have a vote on each matter before the Board. The Presiding Officer may second motions.
- (4) Unless otherwise directed by vote of the Board, the Presiding Officer shall be responsible for the operation of the meeting, shall have control over the items on the agenda, the order of the agenda, time limits that are needed, and other matters that relate to the orderly running of the meeting. Notwithstanding this, the Director may also place items on the Board agenda.
- (5) The Chair shall be elected by the Board and serve for one year. The Chair may be elected to succeeding terms.

R33-12-7. Secretary to the Board.

- (1) The Chief Procurement Officer shall appoint an employee of the Division to serve as Secretary to the Board. The Secretary shall be present at each meeting of the Board, shall provide the posting of notice, minutes, any required recording, and all secretarial related requirements related to the Open and Public Meetings laws. The Secretary shall coordinate with others as needed for compliance with the Open and Public Meetings laws.
- (2) The Secretary shall maintain a record of Board meetings which shall include minutes, agendas and submitted documents, including those submitted electronically, that shall be available at reasonable times to the public.

R33-12-8. Meetings.

Meetings are generally held in the conference room of the Division of Purchasing and General Services, 3rd floor, State Office Building, Capitol Hill, in Salt Lake City, Utah. The date, time and location may also be identified or modified by the Chair and Director at any time when it is in the interest of the Board and the public.

R33-12-9. Compliance with Open and Public Meeting Laws.

All meetings of the Board shall be conducted in accordance with the Open and Public Meetings laws. All meetings are open to the public unless closed in whole or in part pursuant to the requirements of the Open and Public Meetings laws.

R33-12-10. Notice and Agenda.

- (1) Notice shall be given of all meetings in accordance with the Open and Public Meetings laws.
- (2) The Director or Presiding Officer may determine items to be placed on the agenda. A vote of the Board may also place an item on an agenda for a future meeting. Board members may also contact the Chair or Director about any request for agenda items.
- (3) The order of business shall be in the order placed on the agenda, unless the Presiding Officer or vote of the Board alters the order of business and there is no prejudice to interested persons.
- (4) Members of the Board, the Division, governmental agencies and the public may submit a request to the Secretary to the Board that an item be placed on the agenda subject to review and approval by the Presiding Officer or Director.

(5) Each agenda shall include an agenda item regarding whether there are any matters to be placed on a future agenda.

R33-12-11. Attendance, Quorum and Voting.

- (1) Eight members of the Board are required for a quorum to transact business.
- (2) For any determination of the Board, it must be approved by a majority vote of those voting members present and it must receive an affirmative vote from at least five members.
- (3) Voting shall be expressed publicly when called for by the Presiding Officer. An affirmative vote shall be recorded for all. Board members present that neither vote negatively nor specifically abstain. The number of affirmative, negative and abstaining votes shall be announced by the Presiding Officer, and the vote of each member shall be recorded by the Secretary.
- (4) Members must be in attendance, including by electronic means in accordance with this Rule, in order to vote.

R33-12-12. Motions, Second to a Motion, Discussion, Continuances and Resolutions.

- (1) Any voting member may make or second a motion.
- (2) Items may be continued to any subsequent meeting by vote of the Board.
- (3) A second to a motion is required prior to discussion by Board members.
- (4) After a motion is seconded, the Presiding Officer shall ask for discussion of the matter. The Presiding Officer shall call upon those that request to discuss the matter. The Presiding Officer retains the authority to place reasonable restrictions on the discussion to assure that the discussion is orderly and relevant to the motion. After the discussion, or if no Board member desires to discuss the matter, the Board shall proceed to vote on the matter without the need for a formal call to question.
 - (5) The Board may enact resolutions.

R33-12-13. Committees and Appeals Panel.

The Board may appoint committees to investigate or report on any matter which is of concern to the Board. The appointment of an Appeals Panel is described in Rule R33-12-19.

R33-12-14. Order at Meetings.

- (1) The Presiding Officer shall preserve order and decorum at all meetings of the Board and shall determine questions of order, which may be subject to a vote of the Board.
- (2) A person or persons creating a disturbance or otherwise obstructing the orderly process of a Board meeting may be ordered to leave the meeting.

R33-12-15. Rules of Order.

All matters not covered by this Rule R33-12 shall be determined by Robert's Rules of Order, latest published edition; an abbreviated edition of Robert's Rules of Order as determined by the Presiding Officer; or abbreviated procedures as determined by the Presiding Officer.

R33-12-16. Electronic Meetings.

(1) Purpose. Section 52-4-207 requires any public body that convenes or conducts an electronic meeting to adopt a rule governing the use of electronic meetings. This Rule R33-12-16

establishes procedures for conducting Board meetings by electronic means

- (2) Procedure. The following provisions govern any meeting at which one or more Board members appear electronically pursuant to Section 52-4-207:
- (a) if one or more members of the Board desire to participate electronically, such member(s) shall contact the Director or Secretary. The Director shall assess the practicality of facility requirements needed to conduct the meeting electronically in a manner that allows for the attendance, participation and monitoring as required by this Rule. If it is practical, the Presiding Officer or Director shall determine whether to allow for such electronic participation, and the public notice of the meeting shall so indicate. In addition, the notice shall specify the anchor location where the members of the Board not participating electronically will be present and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.
- (b) Notice of the meeting and the agenda shall be posted at the anchor location and be provided in accordance with the Open and Public Meetings laws. The anchor location is the physical location where the electronic meeting originates or where the participants are connected. The anchor location shall be identified in the public notice for the meeting. Unless otherwise designated in the notice, the anchor location shall be a room in the Utah State Capitol Hill Complex where the Board would normally meet if the Board was not holding an electronic meeting.
- (c) Notice of the possibility of an electronic meeting shall be given to the Board members at least 24 hours before the meeting. In addition, the notice shall describe how a Board member may participate in the meeting electronically.
- (d) When notice is given of the possibility of a Board member participating electronically, any Board member may do so and any voting Board member, whether at the anchor location or participating electronically, shall be counted as present for purposes of a quorum and may fully participate and vote. At the commencement of the meeting, or at such time as any Board member initially appears electronically, the Presiding Officer shall identify for the record all those who are participating electronically. Votes by members of the Board who are not at the anchor location of the meeting shall be confirmed by the Presiding Officer.
- (e) The anchor location will have space and facilities so that interested persons and the public may attend, monitor and participate in the open portions of the meeting, as appropriate.

R33-12-17. Suspension of the Rules.

By a vote of the Board, and to the extent allowed by law, any requirement of this Rule R33-12-1 through R33-12-17 may be suspended when necessary to better serve the public in the conduct of a Board meeting.

R33-12-18. Intervention in a Protest.

- (1) Application. This Rule contains provisions applicable to intervention in a protest, including who may intervene and the time and manner of intervention.
- (2) Period of Time to File. After a timely protest is filed in accordance with the Utah Procurement Code, the Protest Officer shall notify awardees of the subject procurement and may notify others of the protest. A Motion to Intervene must be filed with the Protest Officer no later than ten days from the date such notice is

- sent by the Protest Officer. Only those Motions to Intervene made within the time prescribed in this Rule R33-12-18 will be considered timely. The entity or entities who conducted the procurement and those who are the intended beneficiaries of the procurement are automatically considered a Party of Record and need not file any Motion to Intervene.
- (3) Contents of a Motion to Intervene. A copy of the Motion to Intervene shall also be mailed or emailed to the person protesting the procurement.
- (4) Any Motion to Intervene must state, to the extent known, the position taken by the person seeking intervention and the basis in fact and law for that position. A motion to intervene must also state the person's interest in sufficient factual detail to demonstrate that:
- (a) the person seeking to intervene has a right to participate which is expressly conferred by statute or by Commission rule, order, or other action;
- (b) the person seeking to intervene has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a:
 - (i) consumer;
 - (ii) customer;
 - (iii) competitor;
 - (iv) security holder of a party; or
 - (v) the person's participation is in the public interest.
- (5) Granting of Status. If no written objection to the timely Motion to Intervene is filed with the Protest Officer within seven calendar days after the Motion to Intervene is received by the protesting person, the person seeking intervention becomes a party at the end of this seven day period. If an objection is timely filed, the person seeking intervention becomes a party only when the motion is expressly granted by the Protest Officer based on a determination that a reason for intervention exists as stated in this Rule. Notwithstanding any provision of this Rule R33-12-18, an awardee of the procurement that is the subject of a protest will not be denied their Motion to Intervene, regardless of its content, unless it is not timely filed with the Protest Officer.
- (6) Late Motions. If a motion to intervene is not timely filed, the motion shall be denied by the Protest Officer.

R33-12-19. Procurement Appeals Panel.

- (1) In General and Grounds for Appeal. This Rule R33-12-19 shall apply for any appeal of a protest decision to the Procurement Policy Board where such appeal is made in accordance with the Utah Procurement Code. The grounds for an appeal are limited to those specified in the protest letter as required by the Utah Procurement Code.
- (2) Creation of Procurement Appeals Panel. Within seven days after the day on which the Chair receives a timely written notice of appeal in accordance with the Utah Procurement Code, the Chair or a designee of the Chair who is a member of the Board shall appoint a procurement appeals panel to hear and decide the appeal, consisting of at least three individuals, each of whom shall be:
- (a) a member of the Procurement Policy Board; or
- (b) a designee of a member appointed as indicated below, if the designee is approved by the Chair.
- (3) Designee of Chair to make Appointment in Special Circumstances. When the Chair is employed by the public entity

- responsible for the solicitation, contract award or other action complained of, the Chair shall have a designee who is a member of the Board and not so employed make the appointments.
- (4) Panel to have a Chair. The appointments made under this Rule shall include the designation of a Chair for the Panel.
- (5) Conflicts of Interest. A person may not be appointed to the panel if the person is employed by the public entity responsible for the solicitation, contract award or other action complained of.
- (6) Odd number of members. The Panel shall consist of an odd number of members.
- (7) Informal Proceeding, Rules of Evidence Not Applicable. The Panel shall conduct an informal proceeding on the appeal within 60 days after the day on which the procurement appeals panel is appointed unless all parties stipulate to a later date or the panel continues the proceeding beyond the 60 day period if the panel determines the continuance is in the interests of justice. The Rules of Evidence do not apply to an appeal proceeding.
- (8) Notice of Proceeding. At least seven days before the proceeding, the Panel shall mail, email, or hand deliver a written notice of the proceeding to the parties to the appeal.
- (9) Written Decision. Within seven days after the day on which the proceeding ends, the Chair of the Panel shall issue a written decision on the appeal to the parties to the appeal and to the protest officer. The written decision must be supported by at least two panel members.
- (10) Record for Decision. The Panel shall consider the appeal based solely on the following without taking any additional evidence:
 - (a) the protest decision;
- (b) the record considered by the person who issued the protest decision; and
- (c) if a protest hearing was held, the record of the protest hearing.
- (11) Standard for Review. The Panel shall uphold the decision of the protest officer, unless the decision is arbitrary and capricious or clearly erroneous.
- (12) Parameters if Decision not Upheld on Appeal. If the Panel determines that the decision of the Protest Officer is arbitrary and capricious or clearly erroneous, the panel:
- (a) shall remand the matter to the Protest Officer to cure the problem or render a new decision;
- (b) may recommend action that the Protest Officer should take; and
- (c) may not order that a contract be awarded to a certain person, a contract or solicitation be cancelled, or any other action to be taken other than the action described in (12)(a) above.
- (13) Expedited Proceedings. A proceeding may be expedited as described in Rule R33-12-19(27).
- (14) Electronic Participation. Electronic Participation by Panel Members and Participants. Any panel member or participant may participate electronically by:
- (a) notifying the Chair of the Panel at least 24 hours in advance of the proceeding:
- (b) the Chair of the Panel will allow such electronic participation provided that the electronic means for such participation, by phone, computer or otherwise, is available at the location; and

(c) the electronic means allows other members of the Panel and other participants to hear the person or persons participating electronically.

- (15) Security Deposit.
- (a) A person who files an appeal shall, at the time the appeal is filed, pay a security deposit or post a bond with the protest officer in an amount that is the greater of:
 - (i) for the appeal of a debarment or suspension, \$1000;
 - (ii) for any type of procurement, \$1000;
- (iii) for an invitation for bids, 5% of the lowest bid amount, if the bid opening has occurred, or 5% of the estimated contract cost, which shall be the amount of the budget allocated by the public entity for the subject procurement, if the bid opening has not yet occurred;
- (iv) for a request for proposals, 5% of the lowest cost proposed in a response to the request for proposals, if the opening of proposals has occurred, or 5% of the estimated contract cost, which shall be the amount of the budget allocated by the public entity for the subject procurement, if the opening of proposals has not yet occurred;
- (v) for a type of procurement other than an invitation for bids or request for proposals, 5% of the amount of the budget allocated by the public entity for the subject procurement.
- (b) For purposes of this Security Deposit, when the amount of the budget allocated by the public entity for the subject procurement is to be used, the following shall apply:
- (i) the security deposit or bond posting does not need to be filed along with the appeal, but must be filed within 7 days of the appellant being notified of the budget allocated by the public entity for the subject procurement.
- (c) The security deposit or bond posting may be waived or reduced under the following circumstances:
- (i) where the Appellant in the notice of appeal has indicated that the Appellant is impecunious or otherwise faces an economic hardship in the ability to pay a security deposit or bond posting, and the Chair of the Panel determines that such condition exists;
- (ii) where the Appellant in the notice of appeal has indicated other grounds acceptable to the Division of Purchasing and General Services to be appropriate; or
- (iii) where the subject procurement involves a small purchase or any procurement below \$10,000.
- (d) If a waiver is denied under this Rule, the Appellant must post the appropriate security deposit or bond within seven days of date of receipt of the notice of denial or the appeal will be dismissed.
- (e) The Chair of the Board shall dismiss an appeal filed under the matter if the Appellant fails to timely pay the security deposit or post the bond required by the Utah Procurement Code and this Rule.
- (f) The Chair of the Board shall retain the security deposit or bond until the protest and any appeal of the protest decision is final.
- (g) The Chair of the Board shall deposit the security deposit into an interest-bearing account.
- (h) The Chair of the Board shall, after any appeal of the protest decision becomes final, return the security deposit and the interest it accrues to the person who paid the security deposit, unless the security deposit is forfeited to the General Fund under this Rule.

- (i) The Chair of the Board shall retain the bond until the protest and any appeal of the protest decision becomes final and thereafter either return the bond to the person who posted the bond or have the bond forfeited to the General Fund under this Rule.
- (j) A security deposit that is paid, or a bond that is posted, under this Rule shall forfeit to the General Fund if:
- (i) the person who paid the security deposit or posted the bond failed to ultimately prevail on appeal; and
- (ii) the panel finds that the protest or appeal is frivolous or that its primary purpose is to harass or cause a delay.
- (16) Discontinuance of Appeal. After notice of an appeal to the Board is filed in accordance with the Utah Procurement Code, no party may discontinue the appeal without prejudice, except as authorized by the Panel.
- (17) Dismissal for Lack of Compliance. A Panel may dismiss an appeal that is assigned to the Panel if the appeal is not filed in accordance with the requirements of the Utah Procurement Code and this Rule enacted pursuant to the Utah Procurement Code.
- (18) Appearance and Representation, Electronic Participation. A person may represent him or herself before the Panel. Any person or party may be represented by an attorney at law. Parties shall enter their appearances at the beginning of the proceeding or at such time as may be designated by the Panel by giving their names and addresses and stating their positions or interests in the proceeding.
 - (19) Intervention on Appeal.
- (a) Only those persons who have intervened in the protest that is being appealed may intervene in the appeal process unless the grounds for intervention did not exist until the time of appeal. A Motion to Intervene must be received by the Protest Officer or Chair of the Board within seven days of being notified of the Appeal by the Protest Officer. A copy of the Motion to Intervene shall also be mailed or emailed to the Appellant.
- (b) The entity or entities who conducted the procurement and those who are the intended beneficiaries of the procurement are automatically considered a Party of Record and need not file any Motion to Intervene.
- (c) Contents of a Motion to Intervene. Any Motion to Intervene must state, to the extent known, the position taken by the person seeking intervention and the basis in fact and law for that position. A Motion to Intervene must also state the person's interest in sufficient factual detail to demonstrate that:
- (i) the person seeking to intervene has a right to participate which is expressly conferred by statute or by Commission rule, order, or other action;
- (ii) the person seeking to intervene has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a:
 - (A) consumer;
 - (B) customer;
 - (C) competitor;
 - (D) security holder of a party; or
 - (E) the person's participation is in the public interest.
- (d) Granting of Status. If no written objection to the timely Motion to Intervene is filed with the Chair of the Panel within seven calendar days after the Motion to Intervene is received by the Party of Record desiring to object, the person seeking intervention becomes a party at the end of this seven day period. If an objection is timely filed, the person seeking intervention

becomes a party only when the motion is expressly granted by the Appeals Panel based on a determination that a reason for intervention exists as stated in this Rule.

- (e) Late Motions. If a motion to intervene is not timely filed, the motion shall be denied by the Appeals Panel.
- (20) Form of Pleadings and Documents. All documents and pleadings submitted to the Chair and the Panel shall indicate the name, mailing address, any email address and phone number of the submitting person as well as indicate by a certificate of service that it was provided to all other persons known to be a party in the proceeding.
- (21) Signature. Pleadings shall be signed by the party or the participant, or by the party's attorney or other authorized representative, and shall reflect the address of the signer to whom any further notices should be sent. The signature shall be deemed to be a certification by the signer that he/she has read the pleading and that to the best of his/her knowledge and belief there is good ground to support it.
- (22) Response. A Party of Record against whom a pleading is directed may file an answer or other response thereto. Answers or other responses shall contain a clear and concise statement of the matter relied upon as a basis for the answer or response, together with an appropriate prayer for relief.
- (23) Motions. Motions may be submitted for the Panel's determination by either written or oral argument, and may be supported by affidavits. However, no new evidence is allowed in the appeal as prescribed by the Utah Procurement Code.
- (24) Original and Copies. One original of all pleadings and documents submitted to the Panel, with attachments, shall be filed with the Panel. Filings in electronic form by email are encouraged. The Panel may thereafter direct that a copy of all pleadings and other documents be made available by the party filing same to any person whom the Panel determines may be affected by the proceedings, and who desires copies thereof.
- (25) Service on Other Parties. All Parties of Record shall serve one copy of all pleadings and other documents on each of the other Parties of Record either by personal service, hand delivery, or by mailing/emailing a copy to the party's physical address or email address as shown in the filings of the Panel or the subject Purchasing Agency. In the event service is made by mail to a physical address, the party serving same shall attach to the original of the pleading a certificate that a true copy thereof was, on the appropriate date, mailed to the designated address by first class United States mail, properly addressed with postage prepaid. When any party has appeared by an attorney or other authorized representative, service upon such attorney or representative constitutes service upon the party.
- (26) Answers or Responses. Answers or responses shall be filed with the Panel and served upon Parties of Record within ten days after service of the original pleading unless for good cause the Panel extends the time within which such answer or response may be made. All motions must be filed, and served upon all Parties of Record, not later than three days prior to any date set for the proceeding before the Panel.
- (27) Pre-Proceeding Conference and Expedited Proceedings.
- (a) The Panel may, upon written notice to all parties, hold a pre-proceeding conference for the purpose of formulating and simplifying the issues or any other matter that assists with the

- proceeding. A person participating in a pre-proceeding conference on behalf of each party shall have authority to negotiate and agree to settlement of the dispute.
- (b) Any party may request a pre-proceeding conference in an effort to expedite the proceeding. Upon such a request to expedite the proceeding, the Panel shall consider any expedited process that considers the needs to expedite the proceeding while assuring that the due process rights of all parties are protected.
- (28) The Proceeding. The Panel shall set the time and place for the proceeding at the earliest practical date and written notice by mail or email shall be provided to each Party of Record and, at the discretion of the Panel, to any other interested persons. The Chair of the Panel shall establish the order of the proceeding, including the sequence and time limit for presentations. The proceeding shall be recorded or have a court reporter.
- (29) Determination. After the Panel has reached a final decision by a majority vote, the Chair of the Panel shall prepare a written determination. A copy of the determination shall be served upon the Parties of Record as herein provided.

KEY: procurement, procedures, appeals, Procurement Policy Board

Date of Enactment or Last Substantive Amendment: 2012 Authorizing, and Implemented or Interpreted Law: 63G-6-807; 63G-6-201(3)(a)(i)

Commerce, Occupational and Professional Licensing **R156-1**

General Rule of the Division of Occupational and Professional Licensing

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36629
FILED: 08/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This is a companion filing to proposed changes to Rule R156-46b, Division Administrative Procedures Act Rule. The purpose of this filing is to revise the designation of presiding officers brought about by the Rule R156-46b changes to the designation of adjudicative proceedings from formal proceedings to informal proceedings. Most of these changes are renumbering changes, but a number are substantive as described in the summary below. (DAR NOTE: The proposed amendment to Rule R156-46b is under DAR No. 36630 in this issue, September 1, 2012, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This summary will focus on the substantive changes only and will do so in a

global fashion rather than subsection by subsection, which would be more confusing than helpful in this case. In short, the Division of Occupational and Professional Licensing (DOPL) Director or Construction Service Commission remains the presiding officer for all disciplinary actions initiated by a notice of agency action against a licensee. Boards remain advisory to the Director for all disciplinary actions initiated by a notice of agency action that go to a formal hearing or come before a board informally as part of their board agenda. Disciplinary actions by the Construction Service Commission, normally informal, still require the concurrence of the Director. The DOPL Bureau Managers become the presiding officer for denial of applications for renewal and denial of reinstatement under Subsections 58-1-308(5)(a) and (6)(b), which is a very similar role to their existing role as the presiding officer for denial of applications for initial licensure. Boards are advisory to the Bureau Managers in their role. This role was already designated as a role of the DOPL Bureau Managers unless the applicant requested a formal hearing, in which case it went before the appropriate board as the presiding officer to enter findings of fact, conclusions of law, and a recommended order to the Director for final action. The companion filing eliminated formal hearings in this arena, and thus this filing designates the Bureau Manager as the presiding officer completely for applications for denials of renewal and reinstatement of licensure.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-1-308 and Subsection 58-1-106(1) (a) and Subsection 58-1-501(4)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The identity of the presiding officer changes will not affect the state budget. However, the Division will incur minimal costs of approximately \$80 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
- ♦ LOCAL GOVERNMENTS: The identity of the presiding officer changes will not affect local government and thus will not result in any cost or savings impact upon local governments.
- ♦ SMALL BUSINESSES: The identity of the presiding officer changes will not affect small business and thus will not result in any cost or savings impact upon small business.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The identity of the presiding officer changes will not affect other persons and thus will not result in cost or savings impact upon other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The identity of the presiding officer changes will not affect other persons and thus will not result in cost or savings impact upon other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated from this rule filing which changes the designation of presiding officers based on a companion rule filing that changes formal adjudicative proceedings to informal ones.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ W. Ray Walker by phone at 801-530-6256, by FAX at 801-530-6511, or by Internet E-mail at raywalker@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing. R156-1. General Rule of the Division of Occupational and Professional Licensing.

R156-1-109. Presiding Officers.

In accordance with Subsection 63G-4-103(1)(h), Sections 58-1-104, 58-1-106, 58-1-109, 58-1-202, 58-1-203, 58-55-103, and 58-55-201, except as otherwise specified in writing by the director, or for Title 58, Chapter 55, the Construction Services Commission, the designation of presiding officers is clarified or established as follows:

- (1) The Division regulatory and compliance officer is designated as the presiding officer for issuance of notices of agency action and for issuance of notices of hearing issued concurrently with a notice of agency action or issued in response to a request for agency action, provided that if the Division regulatory and compliance officer is unable to so serve for any reason, a replacement specified by the director is designated as the alternate presiding officer.
- (2) Subsections 58-1-109(2) and 58-1-109(4) are clarified with regard to defaults as follows. Unless otherwise specified in writing by the director, or with regard to Title 58, Chapter 55, by the Construction Services Commission, the department administrative law judge is designated as the presiding officer for entering an order of default against a party, for conducting any further proceedings necessary to complete the adjudicative proceeding, and for issuing a recommended order to the director or commission, respectively,

determining the discipline to be imposed, licensure action to be taken, relief to be granted, etc.

- (3) Except as provided in Subsection (4) or otherwise specified in writing by the director, the presiding officer for adjudicative proceedings before the Division are as follows:
- (a) Director. The director shall be the presiding officer for:
- (i) formal adjudicative proceedings described in Subsections R156-46b-201(1)([e]b), and R156-46b-201(2)(a) through (c), however resolved, including stipulated settlements and hearings; and
- (ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)([d]g), [(h),-](j), (l), (m), ([n]o), ([p]s), and (t), and R156-46b-202(2)(a)[, (b) and (e)(ii)] through (d), however resolved, including memorandums of understanding and stipulated settlements.
- (b) Bureau managers or program coordinators. Except for Title 58, Chapter 55, the bureau manager or program coordinator over the occupation or profession or program involved shall be the presiding officer for:
- (i) [formal adjudicative proceedings described in—Subsections R156-46b-201(1)(a) through (e), provided that any-evidentiary hearing requested shall be conducted by the appropriate board who shall be designated as the presiding officer to act as the fact finder at any evidentiary hearing and shall issue a recommended order to the Division based upon the record-developed at the hearing determining all issues pending before the Division to the director for a final order;
- (iii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(a) through ($[e]\underline{d}$), $[(e),]([g]\underline{f})$, ($[i]\underline{h}$), ($[k]\underline{j}$), ($[e]\underline{p}$)(ii) and (iii), ($[e]\underline{p}$)(ii) and (iii), ($[e]\underline{p}$)(ii) and (iii), and R156-46b-202(2)($[e]\underline{b}$)(iii).
- (iv) At the direction of a bureau manager or program coordinator, a licensing technician or program technician may sign an informal order in the name of the licensing technician or program technician provided the wording of the order has been approved in advance by the bureau manager or program coordinator and provided the caption "FOR THE BUREAU MANAGER" or "FOR THE PROGRAM COORDINATOR" immediately precedes the licensing technician's or program technician's signature.
- (c) Citation Hearing Officer. The regulatory and compliance officer or other citation hearing officer designated in writing by the director shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1) ($[1]\underline{k}$).
- (d) Uniform Building Code Commission. The Uniform Building Code Commission shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1) ([f]e) for convening a board of appeal under Subsection 15A-1-207(3), for serving as fact finder at any evidentiary hearing associated with a board of appeal, and for entering the final order associated with a board of appeal. An administrative law judge shall perform the role specified in Subsection 58-1-109(2).
- (e) Residence Lien Recovery Fund Advisory Board. The Residence Lien Recovery Fund Advisory Board shall be the

- presiding officer for adjudicative proceedings described in Subsection R156-46b-202(1)([g]f) that exceed the authority of the program coordinator, as delegated by the board, or are otherwise referred by the program coordinator to the board for action.
- (4) Unless otherwise specified in writing by the Construction Services Commission, the presiding officers and process for adjudicative proceedings under Title 58, Chapter 55, are established or clarified as follows:
 - (a) Commission.
- (i) The commission shall be the presiding officer for all adjudicative proceedings under Title 58, Chapter 55, except as otherwise delegated by the commission in writing or as otherwise provided in this rule; provided, however, that all orders adopted by the commission as a presiding officer shall require the concurrence of the director.
- (ii) Unless otherwise specified in writing by the commission, the commission is designated as the presiding officer:
- (A) [for formal adjudicative proceedings described in Subsections R156-46b-201(1)(e) and R156-46b-201(2)(a) through (b), however resolved, including stipulated settlements and hearings:
- (B)—]informal adjudicative proceedings described in Subsections R156-46b-202(1)([d]]), (m), [(n),-]([p]0),([s]r)(i), (s), and (t), and R156-46b-202(2)(b) [and]through ([e]d), however resolved, including memorandums of understanding and stipulated settlements:
- (C) to serve as fact finder and adopt orders in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed under Title 58, Chapter 55; and
- (D) to review recommended orders of a board, an administrative law judge, or other designated presiding officer who acted as the fact finder in an evidentiary hearing involving a person licensed or required to be licensed under Title 58, Chapter 55, and to adopt an order of its own. In adopting its order, the commission may accept, modify or reject the recommended order.
- (iii) If the commission is unable for any reason to act as the presiding officer as specified, it shall designate another presiding officer in writing to so act.
- (iv) Orders of the commission shall address all issues before the commission and shall be based upon the record developed in an adjudicative proceeding conducted by the commission. In cases in which the commission has designated another presiding officer to conduct an adjudicative proceeding and submit a recommended order, the record to be reviewed by the commission shall consist of the findings of fact, conclusions of law, and recommended order submitted to the commission by the presiding officer based upon the evidence presented in the adjudicative proceeding before the presiding officer.
- (v) The commission or its designee shall submit adopted orders to the director for the director's concurrence or rejection within 30 days after it receives a recommended order or adopts an order, whichever is earlier. An adopted order shall be deemed issued and constitute a final order upon the concurrence of the director.
- (vi) If the director or his designee refuses to concur in an adopted order of the commission or its designee, the director or his designee shall return the order to the commission or its designee with the reasons set forth in writing for the nonconcurrence therein.

The commission or its designee shall reconsider and resubmit an adopted order, whether or not modified, within 30 days of the date of the initial or subsequent return, provided that unless the director or his designee and the commission or its designee agree to an extension, any final order must be issued within 90 days of the date of the initial recommended order, or the adjudicative proceeding shall be dismissed. Provided the time frames in this subsection are followed, this subsection shall not preclude an informal resolution such as an executive session of the commission or its designee and the director or his designee to resolve the reasons for the director's refusal to concur in an adopted order.

- (vii) The record of the adjudicative proceeding shall include recommended orders, adopted orders, refusals to concur in adopted orders, and final orders.
- (viii) The final order issued by the commission and concurred in by the director may be appealed by filing a request for agency review with the executive director or his designee within the department.
- (ix) The content of all orders shall comply with the requirements of Subsection 63G-4-203(1)(i) and Sections 63G-4-208 and 63G-4-209.
- (b) Director. The director is designated as the presiding officer for the concurrence role on disciplinary proceedings under Subsections R156-46b-202(2)([e]b) through (d) as required by Subsection 58-55-103(1)(b)(iv).
- (c) Administrative Law Judge. Unless otherwise specified in writing by the commission, the department administrative law judge is designated as the presiding officer to conduct formal adjudicative proceedings before the commission and its advisory boards, as specified in Subsection 58-1-109(2).
- (d) Bureau Manager. Unless otherwise specified in writing by the commission, the responsible bureau manager is designated as the presiding officer for conducting[:
- (i) formal adjudicative proceedings specified in Subsections R156-46b-201(1)(a) through (e), provided that any evidentiary hearing requested shall be conducted by the appropriate board or commission who shall be designated as the presiding officer to act as the fact finder at any evidentiary hearing and to adopt orders as set forth in this rule; and
- $\frac{1}{(ii)}$] informal adjudicative proceedings specified in Subsections R156-46b-202(1)(a) through ([e]d), [(e),-]([i]h),([o]n), ([q]p)(i) and ([f]q)(i).
- ([iii]e) At the direction of a bureau manager, a licensing technician may sign an informal order in the name of the licensing technician provided the wording of the order has been approved in advance by the bureau manager and provided the caption "FOR THE BUREAU MANAGER" immediately precedes the licensing technician's signature.
- ([e]f) Plumbers Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Plumbers Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as plumbers.
- ([f]g) Electricians Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Electricians Licensing Board is designated as the presiding officer to serve as the fact finder and to issue

recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as electricians.

([g]h) Alarm System Security and Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Alarm System Security and Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as alarm companies or agents.

R156-1-308f. Denial of Renewal of Licensure - Classification of Proceedings - Conditional Renewal of Licensure During Adjudicative Proceedings - Conditional Initial, Renewal, or Reinstatement Licensure During Audit or Investigation.

- [(1) Denial of renewal of licensure shall be classified as a formal adjudicative proceeding under Rule R156-46b, with allowance for exceptions.
- (2) When a renewal application is denied and the applicant concerned requests a hearing to challenge the Division's action as permitted by Subsection 63G-4-201(3)(d)(ii), unless the requested hearing is convened and a final order is issued prior to the expiration date shown on the applicant's current license, the Division shall conditionally renew the applicant's license during the pendency of the adjudicative proceeding as permitted by Subsection 58-1-106(1)(h).
- [(3)(a)](1) When an initial, renewal or reinstatement applicant under Subsections 58-1-301(2) through (3) or 58-1-308(5) or (6)(b) is selected for audit or is under investigation, the Division may conditionally issue an initial license to an applicant for initial licensure, or renew or reinstate the license of an applicant pending the completion of the audit or investigation.
- ([b]2) The undetermined completion of a referenced audit or investigation rather than the established expiration date shall be indicated as the expiration date of a conditionally issued, renewed, or reinstated license.
- ([e]3) A conditional issuance, renewal, or reinstatement shall not constitute an adverse licensure action.
- ([d]4) Upon completion of the audit or investigation, the Division shall notify the initial license, renewal, or reinstatement applicant whether the applicant's license is unconditionally issued, renewed, reinstated, denied, or partially denied or reinstated.
- ([e]5) A notice of unconditional denial or partial denial of licensure to an applicant the Division conditionally licensed, renewed, or reinstated shall include the following:
- $([i]\underline{a})$ that the applicant's unconditional initial issuance, renewal, or reinstatement of licensure is denied or partially denied and the basis for such action;
- $([ii]\underline{b})$ the Division's file or other reference number of the audit or investigation; and
- ([iii]c) that the denial or partial denial of unconditional initial licensure, renewal, or reinstatement of licensure is subject to review and a description of how and when such review may be requested[:
- (iv) that the applicant's conditional license automatically will or did expire on the expiration date shown on the conditional license, and that the applicant will not be issued, renewed, or reinstated unless or until the applicant timely requests review; and

(v) that if the applicant timely requests review, the applicant's conditionally issued, renewed, or reinstated license does not expire until an order is issued unconditionally issuing, renewing, reinstating, denying, or partially denying the initial issuance, renewal, or reinstatement of the applicant's license].

KEY: diversion programs, licensing, occupational licensing, supervision

Date of Enactment or Last Substantive Amendment: [June 7,]

Notice of Continuation: January 5, 2012

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)

(a); 58-1-308; 58-1-501(4)

Commerce, Occupational and Professional Licensing R156-46b

Division Utah Administrative Procedures Act Rule

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36630
FILED: 08/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to reclassify certain Division of Occupational and Professional Licensing (DOPL) adjudicative proceedings from formal to informal proceedings and to make technical changes. The Division has considered the criteria for classifying adjudicative proceedings as informal as set forth in Section 63G-4-202 and has determined these proposed changes meet that statutory criteria.

SUMMARY OF THE RULE OR CHANGE: In Section R156-46b-201, the filing changes this section by deleting existing Subsections (1)(a) through (c) thereby deleting the classification of denial of application for renewal and reinstatement of licensure adjudicative proceedings as formal proceedings, and by renumbering accordingly. amendments are also made to Subsections (2)(v) and (vi). In Section R156-46b-202, the filing changes Subsections (1)(c) and (d) by deleting (d) and classifying all denials of renewal and reinstatement of licensure adjudicative proceedings as informal proceedings, and renumbering accordingly. filing also changes existing Subsection (2)(b) by deleting it and moving it to Subsection (1)(s) to achieve greater clarity. and by renumbering accordingly. Finally, this adds new Subsections (2)(c) and (2)(d) to reclassify as informal disciplinary proceedings first, proceedings initiated by a notice of agency action and order to show cause concerning violations of an order governing a license and second, disciplinary proceedings initiated by a notice of agency action in which the allegations of misconduct are limited to one of more of Subsection 58-1-501(2)(c) or (d), or Subsections R156-1-501(1) through (5). Section R156-46b-402 is added to provide that a written response in informal adjudicative proceedings initiated by a Notice of Agency Action may, as set forth in a Notice of Agency Action, be required to be filed within 30 days of the mailing date of the Notice of Agency Action or other date specified in the Notice of Agency Action.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)(a) and Subsection 63G-4-102(6)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The proposed changes will bring greater efficiency, timeliness, and capacity to DOPL by reclassifying the described formal adjudicative proceedings to informal proceedings. The cost savings of the efficiencies cannot be estimated but they will hopefully help address the consistent increases in the number of licensees regulated by the Division.
- ♦ LOCAL GOVERNMENTS: The proposed changes do not affect local government and thus will not have any cost or savings impact upon local governments.
- ♦ SMALL BUSINESSES: The proposed changes should not affect small business except where we license small businesses or when small businesses employ individuals licensed by the Division. To the limited extent to which the changes impact small business, they should be cost savings as well as greater efficiency and timeliness to most adjudicative proceedings in which small business or employees of small business are involved. However, these cost savings cannot be estimated by the Division due to a wide range of circumstances.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed changes should better protect public health, safety and welfare through the greater efficiency, timeliness and capacity they bring to the Division. This will equate to economic savings to those who avoid being negatively impacted by a licensee engaged in unprofessional or unlawful conduct who would otherwise remain in practice for a much longer period of time during cumbersome formal adjudicative proceedings. The economic impact of these savings cannot be estimated by the Division.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed changes should bring cost savings as well are greater efficiency and timeliness to most adjudicative proceedings in which licensees or applicants for licensure are involved. The cost savings cannot be estimated by the Division due to a wide range of circumstances.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The change in designation of certain matters to informal adjudicative proceedings should result in a cost savings to the Division and to those licensees affected; it is not expected to increase costs. Experience has shown that routine cases

are able to be resolved informally. No fiscal impact to other businesses is anticipated by this change in procedure.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ W. Ray Walker by phone at 801-530-6256, by FAX at 801-530-6511, or by Internet E-mail at raywalker@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing. R156-46b. Division Utah Administrative Procedures Act Rule. R156-46b-201. Formal Adjudicative Proceedings.

- (1) The following adjudicative proceedings initiated by a request for agency action are classified as formal adjudicative proceedings:
- [(a) denial of application for renewal of licensure, except denial of an application for renewal of a contractor, plumber or electrician license under Title 58, Chapter 55;
- (b) denial of application for reinstatement of licensuresubmitted pursuant to Subsection 58-1-308(5), except denial of an application for reinstatement of a contractor, plumber or electrician license under Title 58, Chapter 55;
- (e) denial of application for reinstatement of licensure submitted pursuant to Subsection 58-1-308(6)(b), except denial of an application for reinstatement of a contractor, plumber or electrician license under Title 58, Chapter 55;
-] ([$\underline{\mathbf{d}}$] $\underline{\mathbf{a}}$) special appeals board held in accordance with Section 58-1-402;
- $([e]\underline{b})$ declaratory order determining the applicability of statute, rule or order to specified circumstances, when determined by the director to be conducted as a formal adjudicative proceeding; and
- ([f]c) board of appeal held in accordance with Subsection 15A-1-207(3).
- (2) The following adjudicative proceedings initiated by a Notice of Agency Action are classified as formal adjudicative proceedings:
- (a) disciplinary proceedings, except those classified as informal proceedings under Section R156-46b-202, that result in the following sanctions:
 - (i) revocation of licensure;
 - (ii) suspension of licensure;

- (iii) restricted licensure;
- (iv) probationary licensure;
- (v) issuance of a cease and desist order except when imposed [by]through a citation[or by an order in a contested-eitation hearing];
- (vi) administrative fine except when imposed [by]through a citation[-or by an order in a contested citation hearing]; and
 - (vii) issuance of a public reprimand;
 - (b) unilateral modification of a disciplinary order; and
 - (c) termination of diversion agreements.

R156-46b-202. Informal Adjudicative Proceedings.

- (1) The following adjudicative proceedings initiated by a request for agency action are classified as informal adjudicative proceedings:
- (a) approval of application for initial licensure, renewal or reinstatement of licensure, or relicensure;
- (b) denial of application for initial licensure or relicensure:
- (c) denial of application for <u>renewal or reinstatement</u> of licensure[<u>submitted pursuant to Subsection 58-1-308(6)(a);</u>
- (d) denial of application for reinstatement of restricted, suspended, or probationary licensure during the term of the restriction, suspension, or probation];
- $([e]\underline{d})$ approval or denial of application for inactive or emeritus licensure status;
 - ([f]e) board of appeal under Subsection 15A-1-207(3);
- ([g]f) approval or denial of claims against the Residence Lien Recovery Fund created under Title 38, Chapter 11;
- ([h]g) payment of approved claims against the Residence Lien Recovery Fund described in Subparagraph (g);
 - ([i]h) approval or denial of request to surrender licensure;
- ([j]i) approval or denial of request for entry into diversion program under Section 58-1-404;
 - ([k]i) matters relating to diversion program;
- $([1]\underline{k})$ citation hearings held in accordance with citation authority established under Title 58;
- ([m]]) approval or denial of request for modification of disciplinary order;
- ([n]m) declaratory order determining the applicability of statute, rule or order to specified circumstances, when determined by the director to be conducted as an informal adjudicative proceeding;
- $([\underline{\sigma}]\underline{n})$ approval or denial of request for correction of procedural or clerical mistakes;
- ([p]o) approval or denial of request for correction of other than procedural or clerical mistakes;
 - ([q]p) denial of application for renewal of:
- (i) a contractor, plumber, electrician, or alarm company licensed under Title 58, Chapter 55;
- (ii) a controlled substance licensee under Subsection 58-37-6(4)(g); and
- (iii) a contract security company or armored car company for failure to replace a qualifier as required under Section 58-63-306;
 - ([r]q) denial of application for reinstatement of:
- (i) a contractor, plumber, electrician, or alarm company licensed under Title 58, Chapter 55;

- (ii) a controlled substance licensee under Subsection 58-37-6(4)(g); and
- (iii) a contract security company or armored car company for failure to replace a qualifier as required under Section 58-63-306.
 - ([s]r) disciplinary proceedings against:
- (i) a contractor, plumber, electrician, or alarm company licensed under Title 58, Chapter 55;
- (ii) a controlled substance licensee under Subsection 58-37-6(4)(g); and
- (iii) a contract security company or armored car company for failure to replace a qualifier as required under Section 58-63-306; [-and]
- (s) disciplinary sanctions imposed in a memorandum of understanding with an applicant for licensure; and
- (t) all other requests for agency action permitted by statute or rule governing the Division not specifically classified as formal adjudicative proceedings in Subsection R156-46b-201(1).
- (2) The following adjudicative proceedings initiated by a notice of agency action [or request for agency action]are classified as informal adjudicative proceedings:
- (a) nondisciplinary proceeding which results in cancellation of licensure;
- (b) [disciplinary sanctions imposed in a memorandum of understanding with an applicant for licensure; and
 - —(e)—Idisciplinary proceedings against:
- (i) a contractor, plumber, electrician, or alarm company licensed under Title 58, Chapter 55;
- (ii) a controlled substance licensee under Subsection 58-37-6(4)(g); and
- (iii) a contract security company or armored car company for failure to replace a qualifier as required under Section 58-63-306
- (c) disciplinary proceedings initiated by a notice of agency action and order to show cause concerning violations of an order governing a license;
- (d) disciplinary proceedings initiated by a notice of agency action in which the allegations of misconduct are limited to one or more of the following:
 - (i) Subsection 58-1-501(2)(c) or (d); or
 - (ii) Subsections R156-1-501(1) through (5).

R156-46b-402. Response to Notice of Agency Action in an Informal Proceeding.

A written response or answer to the allegations in a notice of agency action or incorporated by reference into a notice of agency action that initiates an informal adjudicative proceeding may, as set forth in a notice of agency action, be required to be filed within 30 days of the mailing date of the notice of agency action or other date specified in the notice of agency action.

KEY: administrative procedures, government hearings, occupational licensing

Date of Enactment or Last Substantive Amendment: [July 26, 201117012

Notice of Continuation: January 31, 2011

Authorizing, and Implemented or Interpreted Law: 63G-4-102(6); 58-1-106(1)(a)

Education, Administration **R277-401**

Child Abuse-Neglect Reporting by Education Personnel

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36658
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to add a new definition for clarification purposes and to provide updated terminology to make the rule consistent with other Utah State Board of Education (Board) rules.

SUMMARY OF THE RULE OR CHANGE: A new definition is added to the rule and terminology is changed throughout the rule.

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

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Adding a new definition for clarification purposes and changing terminology throughout the rule do not result in a cost or savings.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Adding a new definition for clarification purposes and changing terminology throughout the rule do not result in a cost or savings.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the changes apply to local education agencies (LEAs) and do not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Adding a new definition for clarification purposes and changing terminology throughout the rule do not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Terminology and clarifying language do not result in compliance costs.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration.

R277-401. Child Abuse-Neglect Reporting by Education Personnel.

R277-401-1. Definitions.

- A. This rule uses the definition of neglected child found in Section 78A-6-105(2[6]8).
- B. This rule uses the definition of abused child found in Section 78A-6-105(2).
 - C. "Board" means the Utah State Board of Education.
- D. "DCFS" means the Division of Child and Family Services.
- [Đ]E. "LEA" means a local education agency, including local school boards/public school districts, [and-]charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

R277-401-2. Authority and Purpose.

- A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
 - B. The purpose of this rule is to clarify:
- (1) the Board's support for taking early protective measures towards allegations of child abuse. The daily contact of education personnel with children places them in a [n + deal] = unique position [for]to identify [ing] and refer[ring] suspected cases of abuse.
- (2) the role of <u>all</u> school employees in reporting and participating in investigations of suspected child abuse as required by Section 62A-4a-403.

R277-401-3. Policies and Procedures.

- A. Each LEA shall develop and adopt a child abuse-neglect policy.
- (1) School officials shall cooperate with social service and law enforcement agency employees authorized to investigate charges of child abuse and neglect.

- (2) LEA policies shall ensure that the anonymity of those reporting or investigating child abuse or neglect is preserved in a manner required by Section 62A-4a-412.
- (3) An LEA policy may direct a school employee to notify the building principal of the neglect or abuse. Such a report to a principal, supervisor, school nurse or psychologist does not satisfy the employee's personal duty to report to law enforcement or DCFS.
- (4) LEA policies shall direct school employees to cooperate appropriately with law enforcement and DCFS investigators who come into the school, including:
- (a) allowing authorized representatives to interview children consistent with DCFS and local law enforcement protocols;
 - (b) allowing appropriate access to student records;
- (c) making no contact with parents/legal guardians of children being questioned by DCFS or local law enforcement; and
- (d) cooperating with ongoing investigations and maintaining appropriate confidentiality.
 - B. School employee responsibilities
- (1) Any school employee who knows or reasonably believes that a child has been neglected, or physically or sexually abused, shall immediately notify the nearest peace officer, law enforcement agency, or [office of the State Division of Child and Family Services (DCFS[)].
- (2) It is not the responsibility of school employees to prove that the child has been abused or neglected, or determine whether the child is in need of protection. Investigations are the responsibility of the [Division of Child and Family Services]DCFS. Investigation by education personnel prior to submitting a report should not go beyond that necessary to support a reason[able belief] to believe that a reportable problem exists.
- (3) Persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from those actions, as provided by law.

KEY: child abuse, education policy, faculty, students,

Date of Enactment or Last Substantive Amendment: | December 8, 2011 | 2012

Notice of Continuation: August 14, 2012

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

Education, Administration **R277-407-1**Definitions

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36659
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R277-407-1 is amended to provide

changes to a definition to make the definition consistent with other Utah State Board of Education (Board) rules.

SUMMARY OF THE RULE OR CHANGE: This filing changes a definition.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-12-102(1)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Changes to this definition in the rule to make the definition consistent with the definition in other Board rules do not result in a cost or savings.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Changes to this definition in the rule to make the definition consistent with the definition in other Board rules do not result in a cost or savings.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the changes to the definition in this rule affect public education and do not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Changes to this definition in the rule to make the definition consistent with the definition in other Board rules do not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Changes to this definition in the rule to make the definition consistent with the definition in other Board rules do not result in compliance costs.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration. R277-407. School Fees.

R277-407-1. Definitions.

- A. Fee: Any charge, deposit, rental, or other mandatory payment, however designated, whether in the form of money or goods. Admission fees, transportation charges, and similar payments to third parties are fees if the charges are made in connection with an activity or function sponsored by or through a school. For purposes of this policy, charges related to the National School Lunch Program are not fees.
- B. "LEA" means a local education agency, including local school boards/public school districts, [and-]charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- C. Optional Project: A project chosen and retained by a student in lieu of a meaningful and productive project otherwise available to the student which would require only school-supplied materials.
- D. "Provision in Lieu of Fee Waiver" means an alternative to fee payment and waiver of fee payment. A plan under which fees are paid in installments or under some other delayed payment arrangement is not a waiver or provision in lieu of fee waiver.
- E. Student Supplies: Items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities. The term includes pencils, papers, notebooks, crayons, scissors, basic clothing for healthy lifestyle classes, and similar personal or consumable items over which a student retains ownership. The term does not include items such as the foregoing for which specific requirements such as brand, color, or a special imprint are set in order to create a uniform appearance not related to basic function.
- F. "Supplemental Security Income for children with disabilities (SSI)" is a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low income families.
- G. "Temporary Assistance for Needy Families (TANF)," (formerly AFDC) provides monthly cash assistance and food stamps to low-income families with children under age 18 through the Utah Department of Workforce Services.
- H. Textbook: Book, workbook, and materials similar in function which are required for participation in a course of instruction.
- I. Waiver: Release from the requirement of payment of a fee and from any provision in lieu of fee payment.

KEY: education, school fees

Date of Enactment or Last Substantive Amendment: [July 9,] 2012

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-12-102; 53A-12-201; 53A-12-204; 53A-11-806(2); Doe v. Utah State Board of Education, Civil No. 920903376

Education, Administration **R277-419**

Pupil Accounting

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36660
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide funding to local education agencies (LEAs) for Career and Technical Education (CTE) students, including transportation time, who are enrolled in approved CTE courses under specific circumstances.

SUMMARY OF THE RULE OR CHANGE: A new definition is added to the rule and language is added in Section R277-419-5 that provides for funding for students in CTE membership.

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

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. The changes to this rule apply to LEAs claiming student membership for funding.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. There is no new funding for students enrolled in CTE courses and subsequently no costs.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and does not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Student funding for CTE courses applies to LEAs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendments allow for LEAs to claim students for membership for funding purposes.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration.

R277-419. Pupil Accounting.

R277-419-1. Definitions.

- A. "Aggregate Membership" means the sum of all days in membership during a school year for the student, program, school, LEA or state
- B. "Approved CTE course" means a course approved by the Board within the Career and Technical Education (CTE) Pathways in the eight areas of study.
 - [B]C. "Board" means the Utah State Board of Education.
- [ϵ]D. "Charter school" means a school that is authorized and operated under Sections 53A-1a-501.6, 53A-1a-515 and 53A-1a-501.3.
 - $[\underline{\theta}]\underline{E}$. "Compulsory school age" means:
- (1) a person who is at least five years old and no more than 17 years old on or before September 1;
- (2) with respect to special education, a person who is at least three years old and no more than 21 years old on or before September 1;
- (3) with respect to YIC, a person who is at least five years old and no more than 21 years old on or before September 1.
- [E]E. "Data Clearinghouse" means the electronic data collection system used by the USOE to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.
- [F]G. "Electronic high school" means a rigorous program offering 9-12 grade level courses delivered over the Internet and coordinated by the USOE.
- [G]H. "Influenza pandemic (pandemic)" means a global outbreak of serious illness in people. It may be caused by a strain of influenza that most people have no natural immunity to and that is easily spread from person to person.
- [H]I. "ISI-1" means a student who receives 1 to 59 minutes of YIC related services during a typical school day.
- [F]I. "ISI-2" means a student who receives 60 to 179 minutes of YIC related services during a typical school day.
- [4]K. "LEA" means a local education agency, including local school boards/public school districts and charter schools.

- $[K]\underline{L}$. "Membership" means a public school student is on the current roll of a public school class or public school as of a given date:
- (1) A student is a member of a class or school from the date of entrance at the school and is placed on the current roll until official removal from the class or school due to the student having left the school.
- (2) Removal from the roll does not mean that the LEA should delete the student's record, only that the student should no longer be counted in membership.
- [<u>H]M.</u> "Minimum School Program (MSP)" means public school programs for kindergarten, elementary, and secondary schools described in Section 53A-17a-103(5).
- $[\underline{\mathbf{M}}]\underline{\mathbf{N}}$. "Private school" means an educational institution that is not a charter school but is owned or operated by a private person, firm, association, organization, or corporation, rather than subject to governance by the Board consistent with the Utah Constitution.
- [N]Q. "Program" means an institution within a larger education entity that is designed to accomplish a predetermined curricular objective or set of objectives.
- $[\Theta]\underline{P}$. "Resource" means a student who receives 1 to 179 minutes of special education services during a typical school day consistent with the student's IEP provided for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., amended in 2004.
- [P]Q. "Retained senior" means a student beyond the general compulsory education age who is authorized at the discretion of the LEA to remain in enrollment as a high school senior in the year(s) after the cohort has graduated due to:
 - (1) sickness;
 - (2) hospitalization;
 - (3) pending court investigation or action or both; or
- (4) other extenuating circumstances beyond the control of the student.
- [Q]R. "S1" means the record maintained by the USOE containing individual student demographic and school membership data in a Data Clearinghouse file.
- $[R]\underline{S}$. "S2" means the record maintained by the USOE containing individual student data related to participation in a special education program in a Data Clearinghouse file.
- [S]T. "S3" means the record maintained by the USOE containing individual student data related to participation in a YIC program in a Data Clearinghouse file.
- [F]U. "School" means an educational entity governed by an LEA that is supported with public funds, includes enrolled or prospectively enrolled full-time students, employs licensed educators as instructors that provide instruction consistent with R277-502-5, has one or more assigned administrators, is accredited consistent with R277-410-3, and administers required statewide assessments to its students.
 - $[\underline{U}]\underline{V}$. "School day" means:
- (1) a minimum of two hours per day per session in kindergarten and a minimum of four hours per day in grades one through twelve, subject to the following constraints:
- (2)(a) All school day calculations shall exclude lunch periods and pass time between classes but may include recess periods that include organization or instruction from school staff.

- (b) Each day that satisfies hourly instruction time shall count as a school day, regardless of the number or length of class periods or whether or not particular classes meet.
- [\forall \overline{W}]\overline{W}. "School membership" means membership other than in a special education or YIC program in the context of the Data Clearinghouse.
- $[\underline{w}]\underline{X}$. "School of enrollment" means the school where a student takes a majority of his classes; the school designated to receive the student's weighted pupil unit.
- [X]Y. "School year" means the 12 month period from July 1 through June 30.
- [¥]Z. "Self-contained" means a public school student with an IEP or YIC, who receives 180 minutes or more of special education or YIC related services during a typical school day.
- [Z]AA. "Self-Contained Resource Attendance Management (SCRAM)" means a record that tracks the aggregate membership of public school special education students for state funding purposes.
 - [AA]BB. "SSID" means Statewide Student Identifier.
- [BB]CC. "UCAT" means any public institution of higher education affiliated with the Utah College of Applied Technology.
- [CC]DD. "Unexcused absence" means an absence charged to a student when the student was not physically present at school at any of the times attendance checks were made in accordance with Section R277-419-4B(3) and the student's absence could not be accounted for by evidence of a legitimate or valid excuse in accordance with local board policy on truancy as defined in Section 53A-11-101.
- $[\overline{\mbox{DD}}] \underline{EE}.$ "USOE" means the Utah State Office of Education.
- [EE]FF. "Virtual education" means the use of information and communication technologies to offer educational opportunities to students in a manner that transcends traditional limitations of time and space with respect to their relationships with teachers, peers, and instructional materials.
- [FF]GG. "Year End upload" means the Data Clearinghouse file due annually by July 15 from school districts and charter schools to the USOE for the prior school year.
- [GG]HH. "Youth in Custody (YIC)" means a person under the age of 21 who is:
 - (1) in the custody of the Department of Human Services;
- (2) in the custody of an equivalent agency of a Native American tribe recognized by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides within the state: or
 - (3) being held in a juvenile detention facility.

R277-419-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the State Board of Education, by Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities, Section 53A-1-402(1)(e) which directs the Board to establish rules and standards regarding cost-effectiveness, school budget formats and financial, statistical, and student accounting requirements, and Section 53A-1-404(2) which directs that local school board auditing standards shall include financial accounting and student accounting. This rule is further authorized by Section

- 53A-1-301(3)(d) which directs the Superintendent to present to the Governor and the Legislature data on the funds allocated to school districts, and Section 53A-3-404 which requires annual financial reports from all school districts.
- B. The purpose of this rule is to specify pupil accounting procedures used in apportioning and distributing state funds for education.

R277-419-3. Schools and Programs.

- A. Schools
- (1) Each school shall receive the appropriate accountability reports from the USOE and other state-mandated reports for the school type and grade range; and
 - (2) All schools shall submit a Clearinghouse report; and
- (3) All schools shall employ at least one licensed educator and one administrator.
 - B. Programs
- (1) Students who are enrolled in a program shall remain members of a public school: and
- (2) Programs shall not receive separate accountability and other state-mandated reports from the USOE; and
- (3) Students reported under a program shall be included in WPU and student enrollment calculations of a school of enrollment; and
- (4) Courses taught at programs shall be credited to the appropriate school of enrollment.
 - C. Private school or program
- (1) Private schools or programs shall not be required to submit data to the USOE; and
- (2) Private schools or programs shall not receive annual accountability reports.

R277-419-4. Minimum School Days, LEA Records, and Audits.

- A. Minimum standards for school days
- (1) LEAs shall conduct school for at least 990 instructional hours and 180 school days each school year; exceptions to the number of school days for individual students and schools are provided for in R277-419-8.
- (2) The required school days and hours may be offered at any time during the school year, consistent with the law.
 - (3) Health Department Emergency or Pandemic
- (a) The Board may waive the school day and hour requirement, following a vote of Board members, pursuant to a directive from the Utah State Health Department or a local health department, that results in the closure of a school in the event of a pandemic or other public health emergency.
- (b) In the event that the Board is unable to meet in a timely manner, the State Superintendent of Public Instruction may issue a waiver following consultation with a majority of Board members.
- (c) The waiver may be for a designated time period and for specific areas, school districts, or schools in the state, as determined by the health department directive.
- (d) The waiver may allow for school districts to continue to receive state funds for pupil services and reimbursements.
- (e) The waiver by the Board or State Superintendent of Public Instruction shall direct school districts to provide as much notice to students and parents of the suspension of school services, as is reasonably possible.

- (f) The waiver shall direct school districts to comply with health department directives, but to continue to provide any services to students that are not inconsistent with the directive.
- (g) The Board may encourage school districts to provide electronic or distance learning services to affected students for the period of the pandemic or other public health emergency to the extent of personnel and funds available.
- (4) Minimum standards shall apply to all public schools in all settings unless Utah law or this rule provides for specific exceptions. Local boards are encouraged to provide adequate school days and hours in the school district's yearly calendar to avoid the necessity of a waiver request except in the most extreme circumstances.
 - B. Official records
- (1) To determine student membership, LEAs shall ensure that records of daily student attendance are maintained in each school which clearly and accurately show for each student the:
 - (a) entry date;
 - (b) exit date:
 - (c) exit or high school completion status;
 - (d) whether or not an absence was excused;
- (e) disability status (resource or self-contained, if applicable); and
- (f) YIC status (ISI-1, ISI-2 or self-contained, if applicable).
- (2)(a) Computerized or manually produced records for [Career and Technical Education (]CTE[)] programs shall be kept by teacher, class and Classification of Instructional Program (CIP) code.
- (b) These records shall clearly and accurately show for each student in a CTE class the:
 - (i) entry date;
 - (ii) exit date; and
 - (iii) excused or unexcused status of absence.
- (3) A minimum of one attendance check shall be made by each public school each school day.
- C. Due to school activities requiring schedule and program modification during the first days and last days of the school year:
- (1) For the first five school days, an LEA may report aggregate days of membership equal to the number recorded for the second five-day period of the school year.
- (2) For the last five-day period, an LEA may report aggregate days of membership equal to the number recorded for the immediately preceding five-day period.
- (3) Schools shall continue instructional activities throughout required calendared instruction days.
 - D. Audits
- (1) An independent auditor shall be employed under contract by each LEA to audit its student accounting records annually and report the findings to the LEA board of education and to the Finance and Statistics Section of the USOE;
- (2) Reporting dates, forms, and procedures are found in the State of Utah Legal Compliance Audit Guide, provided to LEAs by the USOE in cooperation with the State Auditor's Office and published under the heading of APP C-5;
- (3) The USOE shall review student membership and fall enrollment audits as they relate to the allocation of state funds in accordance with the policies and procedures established in R277-

484-7 and 8 and may periodically or for cause review LEA records and practices for compliance with the laws and this rule.

R277-419-5. Student Membership.

- A. Eligibility
- (1) In order to generate membership for funding through the MSP for any clock hour of instruction on any school day, a student shall:
- (a) not have previously earned a basic high school diploma or certificate of completion;
- (b) not be enrolled in a YIC program with a YIC time code other than ISI-1 or ISI-2;
- [(e) not be enrolled in a regional applied technologycollege created under Title 53B, Chapter 2a, Utah College of-Applied Technology;
-] ($[\underline{d}]\underline{c}$) not have unexcused absences on all of the prior ten consecutive school days;
- ($[e]\underline{d}$) be a resident of Utah as defined under Sections 53A-2-201 through 213;
 - ([f]e) be of compulsory school age or a retained senior;
- $([g]\underline{f})(i)$ be expected to attend a regular learning facility operated or recognized by the LEA on each regularly scheduled school day; or
- (ii) have direct instructional contact with a licensed educator provided by the LEA at an LEA-sponsored center for tutorial assistance or at the student's place of residence or convalescence for at least 120 minutes each week during an expected period of absence, if physically excused from such a facility for an extended period of time, due to:
- (A) injury, illness, surgery, suspension, pregnancy, pending court investigation or action; or
- (B) an LEA determination that home instruction is necessary.
- (iii) be enrolled in an approved CTE course(s) on the campus of another state funded institution where such a course is:
 - (A) not offered at the student's school of membership;
- (B) being used to meet Board-approved CTE graduation requirements under R277-700-6C(7); and
 - (C) a course consistent with the student's SEOP.
- (iv) LEAs desiring to generate membership for student enrollment in courses outlined in R277-419-5A(1)(g)(iii), or to seek a waiver from a requirement(s) in R277-419-5A(1)(g)(iii), shall submit an application for course approval by April 1 of the year prior to which the membership will be counted. LEAs shall be notified within 30 days of the application deadline if courses have been approved.
- (2) Students may generate MSP funding by participation in an LEA-sponsored or LEA-supported virtual education program other than the Utah Electronic High School that is consistent with the student's SEOP, has been approved by the student's counselor, and includes regular face-to-face instruction or facilitation by a designated employee of the LEA.
 - B. Reporting
- (1) LEAs shall report aggregate membership for each student via the School Membership field in the S1 record and special education membership in the SCRAM Membership field in the S2 record and YIC membership in the S3 record of the Year End upload of the Data Clearinghouse file.

- (2) In the Data Clearinghouse, aggregate membership shall be expressed in days.
 - C. Calculations
- (1) If a student was enrolled for only part of the school day or only part of the school year, the student's membership shall be prorated according to the number of hours, periods or credits for which the student actually was enrolled in relation to the number of hours, periods or credits for which a full-time student normally would have been enrolled. For example:
- (a) If the student was enrolled for 4 periods each day in a 7 period school day for all 180 school days, the student's aggregate membership would be 4/7 of 180 days or 103 days.
- (b) If the student was enrolled for 7 periods each day in a 7 period school day for 103 school days, the student's membership would also be 103 days.
- (2) For students in grades 2 through 12, days in membership shall be calculated by the LEA using a method equivalent to the following: total clock hours of instruction for which the student was enrolled during the school year divided by 990 hours and then multiplied by 180 days and finally rounded up to the nearest whole day. For example, if a student was enrolled for only 900 hours during the school year, the student's aggregate membership would be (900/990)*180, and the LEA would report 164 days.
- (3) For students in grade 1, the first term of the formula shall be adjusted to use 810 hours as the denominator.
- (4) For students in kindergarten, the first term of the formula shall be adjusted to use 450 hours as the denominator.
 - D. Constraints
- (1) The sum of regular plus self-contained special education and self-contained YIC membership days may not exceed 180 days;
- (2) The sum of regular and resource special education membership days may not exceed 360 days;
- (3) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed 360 days.
 - E. Exceptions
- LEAs may also count a student in membership for the equivalent in hours of up to:
 - (1) one period each school day, if the student has been:
- (a) released by school upon parent's request during the school day for religious instruction or individual learning activity consistent with the student's SEOP; or
- (b) exempted from school attendance under 53A-11-102 for home schooling and participates in one or more extracurricular activities under R277-438;
- (2) two periods each school day per student for time spent in bus travel during the regular school day to and from another state-funded institution, if the student is enrolled in CTE instruction consistent with the student's SEOP.
- ([2]3) all periods each school day, if the student is enrolled in:
- (a) a concurrent enrollment program that satisfies all the criteria of R277-713;
- (b) a private school without religious affiliation under a contract initiated by an LEA which directs that the instruction be paid by public funds. Contracts shall be approved by the LEA board in an open meeting.

- (c) a foreign exchange student program under 53A-2-206(8).
- (d) Electronic High School courses for credit which meet curriculum requirements, consistent with the student's SEOP and following written school counselor approval.
- (e) a school operated by an LEA under a Utah Schools for the Deaf and the Blind IEP:
- (i) students may only be counted in (S1) membership and shall not have an S2 record:
- (ii) the S2 record for these students shall only be submitted by the Utah Schools for the Deaf and the Blind.

R277-419-6. High School Completion Status.

- A. The final status of all students who enter high school (grades 10-12) shall be accounted for, whether they graduate or leave high school for other reasons. LEAs shall use the following decision rules to indicate the high school completion or exit status of each student who leaves the Utah public education system:
- (1) Graduates are students who earn a basic high school diploma by satisfying one of the options consistent with R277-705-4B or out-of-school youths of school age who complete adult education secondary diploma requirements consistent with R277-733.
- (2) Other students are completers who have not satisfied Utah's requirements for graduation but who:
- (a) shall be in membership in twelfth grade on the last day of the school year; and
- (b) meet any additional criteria established by the LEA consistent with its authority under R277-705-4C; or
- (c) meet any criteria established for special education students under Utah State Board of Education Special Education Rules, Revised, August 2007, and available from the USOE, and R277-700-8E; or
- (d) pass a General Educational Development (GED) test with a designated score.
 - (3) Continuing students are students who:
- (a) transfer to higher education, without first obtaining a diploma; or
- (b) transfer to the Utah Center for Assistive Technology (UCAT) without first obtaining a diploma; or
 - (c) age out of special education.
- (4) Dropouts are students who have no legitimate reason for departure or absence from school or who:
- (a) withdraw due to a situation so serious that educational services cannot be continued even under the conditions of R277-419-5A(1)(f)(ii); or
- (b) are expelled and do not re-enroll in another public education institution; or
 - (c) transfer to adult education.
- (5) Students shall be excluded from the cohort calculation if they:
- (a) transfer out of state, out of the country, to a private school, or to home schooling; or
- (b) are U.S. citizens who enrolled in another country as a foreign exchange student; or
- (c) are non-U.S. citizens who enrolled in a Utah public school as a foreign exchange student under Section 53A-2-206 in which case they shall be identified by resident status (J for those with a J-1 visa, F for all others), not by an exit code; or

- (d) died.
- B. LEAs shall report the high school completion status or exit code of each student to the USOE as specified in Data Clearinghouse documentation.
- C. The USOE shall report a graduation rate for each school, LEA, and the state.
- (1) The four-year cohort rate shall be reported on the annual state reports.
- (2) The three-year cohort graduation rate shall be reported separately for high schools on the official state graduation report.

R277-419-7. Student Identification and Tracking.

- A. Pursuant to Section 53A-1-603.5, LEAs shall:
- (1) use the SSID system maintained by the USOE to assign every student enrolled in a program under the direction of the Board or in a program or a school that is supported by public school funding a unique student identifier.
- (a) The number shall be assigned to a student upon enrollment into a public school program or a public school-funded program.
- (b) The number shall not be the student's social security number or contain any personally identifiable information about the student
- (2) display the SSID on student transcripts exchanged with LEAs and Utah public institutions of higher education.
- B(1) LEAs shall require all students to provide their legal first, middle, and last names at the time of registration to ensure that the correct SSID follows students who transfer among LEAs.
- (2)(a) Names shall be transcribed from the student's birth certificate or other reliable proof of the student's identity and age, consistent with Section 53A-11-503;
- (b) The direct transcription of student names from birth certificates or other reliable proof of student identity and age shall be the student's legal name for purposes of maintaining school records; and
- (c) Schools or school districts may modify the order of student names, provide for nicknames, or allow for different surnames, consistent with court documents or parent preferences, so long as legal names are maintained on student records and used in transmitting student information to the USOE.
- \vec{C} . The USOE and LEAs shall track students and maintain data using students' legal names.
- D. If there is a compelling need to protect a student by using an alias, the LEA should exercise discretion in recording the name of the student.

R277-419-8. Variances.

- A. An exception for school attendance for public school students may be made at the discretion of the local board, in the length of the school day or year, for students with compelling circumstances. The time an excepted student is required to attend school shall be established by the student's IEP or SEOP.
- B. Emergency/activity/weather-related exigency time shall be planned for in an LEA's annual calendaring. If school is closed for any reason, the instructional time missed shall be made up under the emergency/activity time as part of the minimum required time to qualify for full MSP funding.

- C. Staff Planning, Professional Development, Student Assessment Time, and Parent-Teacher and Student Education Plan (SEP) Conferences.
- (1) To provide planning and professional development time for staff, LEAs may hold school longer some days of the week and shorter other days so long as minimum school day requirements, as provided for in R277-419-1[\$\psi\$]\$\mathbf{Y}\$, are satisfied.
- (2) Schools may conduct parent-teacher and student education plan conferences during the school day.
- (3) Such conferences may only be held for a total of the equivalent of three full school days or a maximum of 16.5 hours for the school year. Student membership for professional development or parent-teacher conference days shall be counted as that of the previous school day.
- (4) LEAs may designate no more than 12 instructional days at the beginning of the school year or at the end of the school year or both for the assessment of students entering or completing kindergarten. If instruction days are designated for kindergarten assessment:
- (a) the days shall be designated by the LEA board in an open meeting;
- (b) adequate notice and explanation shall be provided to kindergarten parents well in advance of the assessment period;
- (c) assessment shall be conducted by qualified school employees consistent with Section 53A-3-410; and
- (d) assessment time per student shall be adequate to justify the forfeited instruction time.
- (5) The final decision and approval regarding planning time, parent-teacher and SEP conferences rests with the local board of education, consistent with Utah law and Board administrative rules.
- (6) Total instructional time and school calendars shall be approved by local boards in an open meeting.
- D. A school using a modified 45-day 15-day year round schedule initiated prior to July 1, 1995 shall be considered to be in compliance with this rule if a school's schedule includes a minimum of 990 hours of instruction time in a minimum of 172 days.

KEY: education finance, school enrollment

Date of Enactment or Last Substantive Amendment: [June 7,] 2012

Notice of Continuation: October 5, 2007

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-402(1)(e); 53A-1-404(2); 53A-1-301(3) (d); 53A-3-404; 53A-3-410

Education, Administration **R277-433**

Disposal of Textbooks in the Public Schools

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36661
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to updated terminology.

SUMMARY OF THE RULE OR CHANGE: Two new definitions are added and terminology is changed throughout the rule to make the rule consistent with the new definitions.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-12-207

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. The new definitions and terminology changes to this rule do not result in a cost or savings.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. The new definitions and terminology changes to this rule do not result in a cost or savings.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The new definitions and terminology changes to this rule do not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The new definitions and terminology changes to this rule do not result in compliance costs.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration. R277-433. Disposal of Textbooks in the Public Schools. R277-433-1. Definitions.

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

B. "LEA" means a local education agency, including local school boards/public school districts and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[A]C. "Textbook" means any printed book[, workbook, or materials similar in function] which [are]is required for participation in a course of instruction. The term also includes printed texts approved for pilot or trial use by the State [Textbook]Instructional Materials Commission or books used in classes for which textbooks are generally not adopted at the state level

[B]D. "Useable textbooks" means a set of at least 25 textbooks, as defined above, that are not badly damaged, worn out or outdated.

[C]E. "USOE" means the Utah State Office of Education

R277-433-2. Authority and Purpose.

- A. This rule is authorized by Utah Constitution, Article X, Section 3 which places general control and supervision of the public school system under the Board and by Section 53A-12-207 which requires the [USOE]Board to make rules providing for the disposal or reuse of useable textbooks in the public schools.
- B. The purpose of this rule is to provide procedures for [sehool district and charter sehool]LEA policies for the reuse or disposal of textbooks in the public schools.

R277-433-3. [School District and Charter School]LEA Policies on Disposal of Textbooks.

- A. [Sehool districts and charter schools]LEAs shall develop policies regarding the reuse or disposal of textbooks.
- B. [School district and charter school] LEA policies shall provide procedures for notification to other [school districts and charter schools] LEAs of available textbooks and timelines for disposal of textbooks.
- C. [School districts and charter school] <u>LEA</u> policies shall provide procedures for negotiating the exchange of the textbooks.
- D. A required policy and implementation shall be suspended consistent with Section 53A-12-207(1) until the 2013-2014 school year.

KEY: textbooks

Date of Enactment or Last Substantive Amendment: [August 9, 2010|2012

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-12-207

Education, Administration **R277-445**

Classifying Small Schools as Necessarily Existent

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36662
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to change the distribution formula for necessarily existent small schools. The change in the distribution formula is specifically due to an appropriation from the 2012 General Session in H.B. 1, Public Education Base Budget Amendments.

SUMMARY OF THE RULE OR CHANGE: A definition is revised, an outdated statute is removed and a current statute is provided, and changes to Section R277-445-3 that reflect current standards are provided.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-17a-109(1)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state. Specific funding is appropriated and will be disbursed to schools classified as necessarily existent small schools.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Specific funding is provided to schools classified as necessarily existent small schools.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Specific funding is provided to schools and persons will not be individually affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Funding is provided for schools that are designated as necessarily existent small schools.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration.

R277-445. Classifying Small Schools as Necessarily Existent. R277-445-1. Definitions.

- $[E]\underline{A}$. "ADM" means average daily membership <u>derived</u> from end-of-year data.
 - [A]B. "Board" means the Utah State Board of Education.
- $[\overline{\mathfrak{P}}]\underline{\mathbb{C}}$. "Superintendent" means the State Superintendent of Public Instruction.
 - [B]D. "USOE" means the Utah State Office of Education.
- $[E]\overline{E}$. "WPU" means weighted pupil unit: the basic unit used to calculate the amount of state funds a school district may receive.

R277-445-2. 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-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and [Section 53A-17a-109(2) which directs the Board to adopt standards to classify schools as necessarily existent small rural schools [Section 53A-17a-109(1) which requires the Board to adopt rules that govern the approval of necessarily existent small schools consistent with state law and ensure that districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area.
- B. The purpose of this rule is to specify the standards by which the Board classifies schools as necessarily existent. Schools so classified may receive state funds which are in addition to those received on the basis of the regular WPU formula.

R277-445-3. Standards.

- A. A school may be classified as necessarily existent if it meets the following standards:
- (1) the average daily membership for the school does not exceed:

- (a) 160 for elementary schools, including kindergarten at a weighting of .55 per average daily membership; or
 - (b) 300 for one or two-year secondary schools; or
 - (c) 450 for three-year secondary schools; or
 - (d) [550]500 for four-year secondary schools; or
 - (e) 600 for six-year secondary schools.
- (2) the school meets the criteria of Subsection 3(A)(1) and one-way bus travel over Board approved bus routes for any student from the assigned school to the nearest school within the district of the same type requires:
- (a) students in kindergarten through grade six to travel more than 45 minutes;
- (b) students in grades seven through twelve to travel more than one hour and 15 minutes.
- (3) the school meets the criteria of Subsection 3(A)(1) for grades K-6 if it is an elementary school or grades 7-12 if it is a secondary school except as provided below:
- (a) schools with less than six grades are not recognized as necessarily existent small schools if it is feasible in terms of school plant to consolidate them into larger schools and if consolidated would not meet the criteria listed in Subsections 3(A)(1) and 3(A) (2) above;
- (b) a secondary complex or attendance area which when analyzed on a 7-12 grade basis, meets the criteria of necessarily existent, shall not have its qualifying status invalidated by a reorganization pattern determined by a district;
- (c) in unusual circumstances, where in the judgment of a panel of at least five USOE staff members designated by the Superintendent, the existing conditions warrant approval of a middle school, such a school may be designated by the Superintendent as a necessarily existent small school, provided it meets the criteria listed in Subsection 3(A)(1) above or 3(A)(4) below.
- (4) the school meets the criteria of Subsection 3(A)(1), may not meet the criteria of Subsection 3(A)(2), but is in a district which has been consolidated to the maximum extent possible, and activities in cooperation with neighboring districts within or across county boundaries are appropriately combined;
- (5) the school meets the criteria of Subsection 3(A)(1), does not meet the criteria of Subsections 3(A)(2), but there is evidence acceptable to the Superintendent of increased growth in the school sufficient to take it out of the small school classification within a period of three years.
- (a) The school may be classified as necessarily existent until its ADM surpasses the size standard for small schools of the same type.
- (b) The school's ADM shall be annually compared to the school's projected ADM to determine increases or decreases in enrollment.
- (c) An increase in the school's ADM shall be 80 percent of the projected annual increase. If the assessment for the first or second year shows the increase in the ADM is less than 80 percent, the school shall no longer be classified as necessarily existent;
- (6) the school meets both the criteria of Subsection 3(A) (1) and at least the accredited with comment level of Board accreditation standards (as provided in R277-410, R277-411, and R277-412), does not meet the criteria of Subsections 3(A)(2), 3(A) (3), 3(A)(4), or 3(A)(5), but there is evidence as determined by the

Superintendent that consolidation may result in undesirable social, cultural, and economic changes in the community, and:

- (a) the school has a safe and educationally adequate school facility with a life expectancy of at least ten years, as judged, at least every five years, by the USOE after consultation with the district; or
- the district shall incur construction costs by combining a school seeking necessarily existent small school status with an existing school and such construction and land costs exceed the insurance replacement value of the exiting school by 30 percent. The existing school shall have a life expectancy of at least ten years. In the event that the ADM from the school seeking necessarily existent small school status when combined with the ADM at the existing school exceed criteria in R277-445-3A(1), the existing school would be disqualified.
- (c) schools qualifying under standard (b) above shall be evaluated every five years.
- (7) the school meets the criteria of Subsection 3(A)(1), does not meet the criteria of Subsections 3(A)(2), 3(A)(3), 3(A)(4), 3(A)(5), or 3(A)(6), and the removal of the necessarily existent status results in capital costs which the school district cannot meet within three years when utilizing all funds available from local, state, or federal sources or a combination of the sources.
- B. An amount not to exceed five percent of the total necessarily existent small schools funding shall be distributed on a formula that considers the tax effort of the local board of education.
- [B]C. Additional WPU funds allocated to school districts for necessarily existent small schools shall be utilized for programs at the school for which the units were allocated. The funds must supplement and not supplant other funds allocated to special schools by the local board of education.
- [E]D. Schools shall be classified after consultation with the district and in accordance with applicable state statutes and Board standards.

KEY: school enrollment, educational facilities

Date of Enactment or Last Substantive Amendment: [September 1, 2000]2012

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec

3; 53A-1-401(3); 53A-17a-109(1)

Education, Administration R277-475

Patriotic, Civic and Character Education

NOTICE OF PROPOSED RULE

(Amendment) DAR FILE NO.: 36663 FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to modify requirements for reciting the Pledge of Allegiance in public schools consistent with S.B. 223, 2012 General Session.

SUMMARY OF THE RULE OR CHANGE: In Section R277-475-4, language regarding specific instruction in patriotic education is removed and new language providing for a model curriculum is inserted. In Section R277-475-5, language is changed providing that students in all public schools, not just elementary schools, recite the Pledge and provides language for students to opt out of participating. New sections on parent responsibilities and civic engagement are also provided.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-13-101.6 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Existing Utah State Office of Education staff within existing budgets, under the direction of the Utah State Board of Education, will provide a model curriculum.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or Public secondary school savings to local government. students are now included in the requirement to recite the Pledge of Allegiance daily. Secondary schools must provide time for that requirement.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.
- PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The time to participate in reciting the Pledge of Allegiance is the only way in which students and teachers will be affected. That does not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. It is expected that all public school staff and students will participate and comply with the requirements of the state law and this rule, but there is no direct cost for compliance.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration. R277-475. Patriotic, Civic and Character Education. R277-475-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Character education" means reaffirming values and qualities of character which promote an upright and desirable citizenry.
- C. "Civic education" means the cultivation of informed, responsible participation in political life by competent citizens committed to the fundamental values and principles of representative democracy in Utah and the United States.
- D. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- $[\mbox{$\partial$}] \mbox{$E$}$. "Patriotic" means having love of and dedication to one's country.
- [E]E. "Patriotic education" means the educational and systematic process to help students identify, acquire, and act upon a dedication to one's country.

R277-475-2. Authority and Purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board, by Section 53A-13-101.6 which directs the Board to provide a rule for a program of instruction within the public schools relating to the flag of the United States, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
- B. The purpose of this rule is to [specify-standards]provide direction for patriotic education programs in the public schools.

R277-475-3. Patriotic Education.

Patriotic education shall be included and primarily taught in the social studies curricula of kindergarten through grade twelve. All educators shall have responsibility for patriotic, civic and character education taught in an integrated school curriculum and in the regular course of school work.

R277-475-4. [Subject Matter|School Responsibilities and Required Instruction.

A. Patriotic, civic and character education programs shall meet the requirements of Sections 53A-13-101.4, 53A-13-101.6, and 53A-13-109.

- B. Students shall be taught the history of the flag, etiquette, customs pertaining to the display and use of the flag, and other patriotic exercises [as provided in Sections 36 U.S.C. 170 to 177]consistent with Section 53A-13-101.6(2).
- C. The school shall provide the setting and opportunities to teach by example and role modeling[<u>the following</u>] patriotic values associated with the flag of the United States[:
 - (1) the history of the flag;
 - (2) etiquette surrounding the use of the flag;
 - (3) customs pertaining to the display and use of the flag;
 - (4) the Pledge of Allegiance;
 - (5) etiquette surrounding the Pledge of Allegiance;
- (6) that each individual has the right to personal liberties associated with the flag so long as the rights of others are not-violated; and
- (7) that individuals shall have freedom to exercise their values as they relate to the flag of the United States consistent with the law].
- D. The USOE shall, under the direction of the Board, provide a model curriculum for both elementary age students and secondary students about the flag and patriotic exercises.
- $[\mbox{$\overline{\mathcal{D}}$}]\underline{E}.$ Instruction in United States history and government shall include:
 - (1) a study of forms of government including:
 - (a) a republic;
 - (b) a pure democracy;
 - (c) a monarchy; and
 - (d) an oligarchy.
- (2) political philosophies and economic systems including:
 - (a) socialism;
 - (b) individualism; and
 - (c) free market capitalism.
- (3) the United States' form of government, a compound constitutional republic.

R277-475-5. [Methods] Requirements.

- A. Education about the flag and the Pledge of Allegiance to the Flag shall be taught and modeled following the plan of the social studies Core Curriculum in grades kindergarten through six.
- B. The Pledge of Allegiance to the Flag shall be recited by students at the beginning of [the]each school day in each [elementary public school in the state.
- C. Local school boards are encouraged to provide for the reciting of the Pledge of Allegiance to the Flag at least once a week at the beginning of the school day in secondary schools]public school classroom in the state, consistent with Section 53A-13-101.6(5).
 - C. At least once a year students shall be instructed that:
- (1) participation in the Pledge of Allegiance is voluntary and not compulsory;
- (2) it is acceptable for an individual to choose not to participate in the Pledge of Allegiance for religious or other reasons; and
- (3) students should show respect for individuals who participate and individuals who choose not to participate.
- D. A public school teacher shall strive to maintain an atmosphere among students in the classroom that is consistent with the principles described in R277-475-C.

- [D. Students and parents shall be adequately notified of lawful exemptions to the requirement to participate in reciting the Pledge.
- E. A student shall be excused from reciting the Pledge upon written request to the school from the student's parent or legal guardian.
- F. Consistent with Section 53A-13-101.4(6), public schools shall display IN GOD WE TRUST, the national motto of the United States, in one or more prominent places in each school building.
- G. Civie and character education shall be achieved-through an integrated school curriculum and in the regular course of school work.
- H. Instruction in United States history and governmentshall be taught consistent with the Utah social studies coreeurriculum.

R277-475-6. Parental Responsibilities.

- A. Students and parents shall be adequately notified by LEAs of lawful exemptions to the requirement to participate in reciting the Pledge.
- B. If a student requests to be excused from reciting the Pledge, a school may require an annual written request from the student's parent or legal guardian.

R277-475-7. Civic Engagement.

- A. Consistent with Section 53A-13-101.4(6), public schools shall display IN GOD WE TRUST, the national motto of the United States, in one or more prominent places in each school building.
- B. Civic and character education shall be achieved through an integrated school curriculum and in the regular course of school work.
- C. Instruction in United States history and government shall be taught consistent with the Utah social studies core curriculum and Section 53A-13-101.4.
- D. Consistent with available resources, LEAs shall make information about the flag, respect for the flag and civility toward all during patriotic activities available on the LEA websites.

R277-475-[6]8. Reporting Requirements.

- A. The Board shall submit a report to the Education Interim Committee consistent with Section 53A-13-109([6]7).
- B. Each school district and the State Charter School Board shall submit a report to the Lieutenant Governor and the Commission on Civic and Character Education consistent with Section 53A-13-109(6).

KEY: curricula, patriotic education, civic education, character education

Date of Enactment or Last Substantive Amendment: [July 11, 2011]2012

Notice of Continuation: July 1, 2010

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-13-101.6; 53A-1-401(3)

Education, Administration **R277-477**

Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program

NOTICE OF PROPOSED RULE

(Amendment) DAR FILE NO.: 36664 FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to reflect changes in H.B. 367, 2012 General Session and from a legislative audit.

SUMMARY OF THE RULE OR CHANGE: Definitions are added, amended and removed; additional requirements regarding assurance forms, school community council and charter trust land committee forms, and ineligible programs or activities are added or revised in Section R277-477-3; and new and amended language regarding the governance and administration of the School LAND Trust Program is provided for in Section R277-477-4.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-16-101.5(3)(c)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Changes to the rule that apply to the state regarding administration of the School LAND Trust Program do not require any additional funding or expenditures.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Changes to the requirements of specific forms and ineligible programs or activities do not result in a cost or savings to public schools.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The changes affect public schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons resulting from the amendments to this rule. Although there are compliance consequences within this rule, there are no direct costs.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration.

R277-477. Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program. R277-477-1. Definitions.

- A. "Board" means the Utah State Board of Education. The Board is the <u>primary beneficiary</u> representative and advocate for beneficiaries of the School Trust corpus and the School LAND Trust Program.
- B. "Charter Trust Land Committee" means the governing board of the charter school consistent with Section 53A-16-101.5.
- $[\underline{\mathbf{B}}]\underline{\mathbf{C}}$. "Fall Enrollment Report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report from the previous year.
- \cite{CD} . "Funds" means interest and dividend income as defined under Section 53A-16-101.5(2).
- [Đ]E. "Interest and Dividends Account" means a[n] restricted account within the Uniform School Fund created under Section 53A-16-101 established to collect interest and dividends from the permanent State School Fund until the end of the fiscal year at which time the funds are distributed to school districts_charter schools and the USDB through the School LAND Trust Program.
- [E]F. "Local board of education" means the locally-elected board designated in Section 53A-3-101 that makes decisions and directs the actions of local school districts and is directed in Section 53A-16-101.5(5)(b) to approve School LAND Trust plans for schools under the local board's authority.
- [F]G. "Most critical academic needs" for purposes of this rule means <u>academic</u> needs identified in the school improvement plan developed in accordance with Section 53A-1a-108.5.

- [G]H. "School Children's Trust Section" means employees [designated by]who report to the Superintendent or Superintendent's designee and [who-]have responsibilit[y]ies [for overseeing the use of School LAND Trust Program funds]as outlined in Sections 53A-16-101.5 and 53A-16-101.6.
- [H]I. "School community <u>council</u>" means the [geographie area designated by the school district as the attendance area with reasonable inclusion of the parents or legal guardians of additional students who are attending the school council organized at each school district public school as established in Section 53A-1a-108 and R277-491. The council includes the principal, school employee members and parent members. There shall be at least a two parent member majority.
- [F]I. "State Charter School Board (SCSB)" means the board designated under Section 53A-1a-501.5 that has responsibility for making recommendations regarding the welfare of charter schools to the Board and the board that has responsibility to approve School LAND Trust plans for charter schools. The SCSB has primary responsibility to provide training and oversight for charter school School LAND Trust plans.
- [\overline{J}]<u>K</u>. "State Superintendent of Public Instruction (Superintendent)" means the individual appointed by the Board as provided for in Section 53A-1-301(1) to administer all programs assigned to the Board in accordance with the policies and the standards established by the Board.
- [K]L. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report of the school district, charter school, or USDB.
- $[\underline{H}]\underline{M}.$ "USDB" means the Utah Schools for the Deaf and the Blind.
- $[\underline{\textbf{M}}]\underline{N}.$ "USOE" means the Utah State Office of Education.

R277-477-2. Authority and Purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, by Section 53A-16-101.5(3)(c) which allows the Board to adopt rules regarding the time and manner in which the student count shall be made for allocation of school trust land funds, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
 - B. The purpose of this rule is to:
- (1) provide direction in the distribution of interest and dividends from the Interest and Dividends Account created in Section 53A-16-101 and funded in Section 53A-16-101.5(2) through school districts:
- (2) provide for appropriate and adequate oversight of the expenditure and use of School LAND Trust monies by designated local boards of education, the SCSB, and the Board;
 - (3) provide for:
- (a) review and monitoring of funds and revenue generated by school trust lands;
- (b) compliance by councils with requirements in statute and Board rule; and
- (c) allocation of the monies as provided in Section 53A-16-101.5(3)(c) based on student count.
- (4) define the roles, duties, and responsibilities of the School Children's Trust Section within the USOE.

R277-477-3. Distribution of Funds - Determination of Proportionate Share.

- A. Funds shall be distributed to school districts and charter schools as provided under Section 53A-16-101.5(3)(a). The distribution shall be based on the state's total fall enrollment as reflected in the audited October 1 Fall Enrollment Report from the previous school year.
- B. Each school district and the USOE, with regard to charter schools and the USDB, shall distribute funds received under R277-477-3A to each school within each school district or to each charter school and USDB on an equal per student basis within a school district.
- C. Local boards of education and the USOE may adjust distributions, maintaining an equal per student distribution within a school district for school openings and closures and for boundary changes occurring after the audited October 1 Fall Enrollment Report of the prior year.
- D. All_school_district public [non-charter—]schools receiving funds shall have a school community council as required by Sections 53A-1a-108 and R277-491; funds shall be used to enhance or improve a school's academic excellence consistent with Section 53A-16-101.5. Plans shall be approved by the local board of education. Required school community council-generated plans or programs include:
 - (1) School Improvement Plan;
 - (2) School LAND Trust Program;
 - (3) Reading Achievement Plan (for elementary schools)
 - (4) Professional Development Plan;
- (5) Child Access Routing Plan_(for elementary, junior high and middle schools); and
- (6) Recommendations regarding school/school district programs and community environment.
- E. All charter schools that elect to receive School LAND Trust funds shall have a <u>charter trust lands</u> committee[-consisting of a majority of parents elected from parents of students currently attending the charter school that is designated to make decisions about the School LAND Trust funds, and a current school plan for enhancing or improving academic excellence consistent with Section 53A-16-101.5 approved by the SCSB for state chartered schools].
- F. The plan shall be electronically submitted to the USOE on the School LAND Trust Program website.
- G. All charter schools shall be considered collectively as a school district to receive a base amount under Section 53A-16-101.5(3)(a)(i).
- H. The USDB shall receive the average statewide per pupil amount, multiplied by the audited fall enrollment total, as the USDB annual allocation.
- I. In order to receive its allocation, a school shall satisfy the requirements of Section 53A-16-101.5(4-7).
- J. Plans shall include [specific]measurable academic goals, specific steps to meet those goals, measurements to assess improvement and specific expenditures to implement plans[-that-may include purchase of workbooks, textbooks, professional development, computer hardware and software, library and media-supplies, or supplement funding for aides, teachers and specialists, and other tools] for student academic improvement consistent with Section 53A-16-101.5(5).
 - K. As part of the school plan submission:

- (1) principals shall provide a signed assurance <u>form</u> <u>affirming</u> that the membership of the school community council and the process used for election and appointment of members to the council was made consistent with <u>Sections</u> 53A-1a-108_{*}[-and] 53A-16-101.5, and R277-491; and
- (a) The form shall be scanned and uploaded by principals or school districts to the School LAND Trust website database.
- (b) The school district shall review the signed principal assurance forms for the schools in their school district and certify that the correct form has been entered, signed and displays the required completed information for each school in the school district. Any school that does not comply shall be noted in the school district certification. The certification shall be completed on the school district page of the School LAND Trust website before school districts may approve school plans for the upcoming school year.
- (2) [A]The School LAND Trust plan shall include a record of the vote by the school community council when the school plan was approved including the date of the vote, vote[#]s for, against, and absent[-voters], consistent with Section_53A-16-101.5.
- (3) A form that includes the names of members of the school community or charter trust land committee shall be signed by members of the council or committee to indicate their involvement in implementing the current School LAND Trust plan and developing the school plan for the upcoming year. The form shall be uploaded to the database by the principal or school district employee.
- L. In accordance with R277-477-3D, income from the Interest and Dividends Account shall be distributed to school districts, USDB, and charter schools beginning in July each fiscal year based on deposits to the Interest and Dividends Account within the Uniform School Fund from the prior fiscal year.
- M. If a school chooses not to apply for School LAND Trust Program funds and meet the requirements for receiving funds, the funds allocated for that school shall be retained at USOE and included with the statewide distribution for the following school year.
- N. Local boards of education or the SCSB shall consider plans annually and may approve or disapprove a school plan. If a plan is not approved, the local board or the chartering entity shall provide a written explanation of [necessary amendments prior to resubmission of the plan]why the plan was not approved and request a revised plan for reconsideration, consistent with Section 53A-16-101.5.
- O. Local boards shall ensure timely distribution of the funds to schools with approved plans.
- P. When approving school plans on the School LAND Trust Program website, school district and charter school personnel shall report the meeting date(s) when the local board of education or the SCSB approved the plans.
- Q. Funds not used in the school approved plan may be carried over by the school to the next school year and added to the School LAND Trust Program funds available for expenditure in that school the following year. Schools shall provide an explanation for any carry over that exceeds one-tenth of the school's allocation in the school plan or report.
- R. School LAND Trust Program funds shall be focused on the school's most critical academic needs.

- S. School LAND Trust Program funds shall be focused on implementing a recommended course of action to enhance or improve student academic achievement and implement a component of the school improvement plan focused on the school's identified most critical academic needs, as explained in Section 53A-1a-108.5 and Section 53A-16-101.5(5).
- T. Examples of successful programs using School LAND Trust Program monies include activities such as:
 - (1) credit recovery courses and programs;
 - (2) study skills classes;
 - (3) college entrance exam preparation classes;
 - (4) academic field trips;
- (5) classroom equipment and materials such as flashcards, math manipulatives, calculators, microscopes, maps, books, or student planners;
 - (6) teachers and teacher aides;
- (7) professional development directly tied to school academic goals;
 - (8) student focused educational technology;
 - (9) books and textbooks.
- U. Examples of programs or activities [not]ineligible for [funding using] School LAND Trust Program [monies]funding include[—plans to improve] school climate,[—provide] security, [-address] behavior[al issues],[-prevent] bullying prevention,[-install permanent auditorium] audio-visual systems in non-classroom locations, non-academic field trips, food and drink for council meetings or parent nights, printing and mailing costs for notices to parents, office administrative costs, athletic or intermural programs, and programs that initiate or support other non-academic school [needs]purposes.
- V. Schools serving students with disabilities may use funds as needed to directly influence and improve student performance according to the student Individual Education Plans (IEPs), consistent with R277-491-6E.
- W. The School Children's Trust Section of the USOE shall create and electronically post training and support materials for school community councils, charter[—school] trust land committees and local school boards.
- X. Funds from the School LAND Trust Program that are expended inconsistent with the requirements and academic intent of the law, inconsistent with R277-477 or R277-491[, or] and inconsistent with the school board/charter board approved plan [may]shall be reduced or eliminated by the Board in subsequent years[until the misappropriated funds have been restored].
- Y. The Board may recommend that School LAND Trust Program funds be reduced or eliminated if the school has failed to comply with Section 53A-1a-108 in the election or appointment of school community council members.
- Z. <u>Public [S]schools [serving only youth in custody may form committees and submit plans to the district serving the students. Youth in custody schools shall receive the same per pupil distribution as other schools in the district providing services]that are secure facilities, juvenile detention facilities, hospital program schools, and other small special programs may receive School LAND Trust funds available to schools with a school community council if they demonstrate and document a good faith effort to recruit council members, have meetings and publicize results as recognized and affirmed by local boards of education.</u>

- AA. Plans submitted by charter schools shall be prepared, submitted and approved by the charter [sehool]trust land committee established in R277-470-11, [requiring a majority of elected parents to serve on the committee,]and then submitted first to the local charter school board, then to the local board of education for approval, if the school is chartered by the school district, or to the SCSB if the school is chartered by the Board.
- BB. Plans submitted by the USDB governing board shall be reviewed and approved by the State Superintendent or designee.
- CC. A designated amount [approved by the Board-of]appropriated by the Legislature from the Interest and Dividends Account [may]shall be used to fund the administration of the program [by]and other duties outlined in this rule, Sections 53A-16-101.5 and 53A-16-101.6 of the School Children's Trust Section.
- DD. Any unused balance initially allocated for School LAND Trust Program administration shall be deposited in the Interest and Dividends Account for future distribution to schools in the School LAND Trust Program.

R277-477-4. Administration of School LAND Trust Program.

- [A. The School Children's Trust Section of the USOE-shall provide support to local boards of education, to the SCSB and to local charter trust land committees, as directed by the Superintendent.
- B. The School Children's Trust Section shall reportdirectly to the Superintendent or the Superintendent's designee. Staff in the School Children's Trust Section may include individuals who:
- (1) possess professional qualifications and expertisepertinent to the purposes and activities of the trust;
- (2) possess professional qualifications in areas specifically related to the trust such as trust law, finance, real estate, and energy development;
- (3) may or may not have experience in public schools and may or may not hold an educator license.
- C. The School Children's Trust Section shall advise and assist the Board and the Superintendent in:
- (1) representing the current and future beneficiaries of the eommon school trust, Institution for the Blind trust, and School for the Deaf trust to the School and Institutional Trust Lands-Administration (SITLA), the State Treasurer, and the Utah Attorney General by providing oversight as directed by the Superintendent or the Superintendent's designee.]A. There is established a School Children's Trust Section within the USOE. The Section staff shall protect current and future beneficiary rights and interests in the trust consistent with the state's perpetual obligations under the Utah Enabling Act, the Utah Constitution, state statute and standard trust principles described in Section 53C-1-102.
- B. The Board appoints the director of the School Children's Trust Section, in accordance with Section 53A-16-101.6.
- C. Under the direction of the Superintendent, the Section staff shall:
- (1) promote productive use of school and institutional trust lands;
 - (2) provide representation, advocacy, and information:
- (a) on behalf of current and future beneficiaries of the trust, school community councils, schools, and school districts;

- (b) on federal, state and local land decisions and policies that affect the trust;
- (c) to the School and Institutional Trust Lands
 Administration, the School and Institutional Trust Lands Board of
 Trustees, the Legislature, the state treasurer, the attorney general,
 the public, and other entities as determined by the section.
- (3) provide independent oversight on the prudent and profitable management of the trust and report annually to the Board and the Legislature;
- (4) provide information requested by a person or entity described in R277-477-4B(2)(c);
- (5) provide support to local boards of education, to the SCSB and to local charter trust land committees, as direct by the Superintendent;
- (6) advise and assist the Board and the Superintendent, as requested, in[
- - D. Support services shall include:
- (1) Regional training and, as requested and to the extent of resources available, school district or school training for school community councils;
- (2) Training materials to support school community councils in creating and reviewing school improvement plans, School LAND Trust plans, reading achievement plans, professional development plans, and child access routing plans for both elementary and secondary schools.
- (3) <u>Providing [M]m</u>aterials, suggested practices and plans for use by community councils and charter[<u>-sehool</u>] trust land committees to:
- (a) increase community and parent awareness and knowledge of community councils;
- (b) increase community and parent knowledge about school trust lands and their history and purpose in generating funds for public schools;
- (c) encourage parent participation in developing plans for local board approval for the use of School LAND Trust allotments.
- [E:](4) [The School Children's Trust Section shall-m]Monitoring development of School LAND Trust plans and assist local community councils and charter[—school] trust land committees with plan development as requested, and monitor expenditures and compliance with statutory requirements. Assistance/monitoring may include providing:
- ([+]a) timely notification of annual School LAND Trust allotments to public schools;
- $([2]\underline{\bar{b}})$ clear and timely notification of required timelines for plan submission;
- ([3]c) periodic, cost-effective and scheduled review of submitted school plan consistency and plan expenditures and results;
- ([4]d) [verifying-]web postings and other information regarding school community council and charter[-school] trust land committees[-compliance with the Utah Public and Open Meetings Act].

- [F:](5) [The School Children's Trust Section shall] receiv[e]ing direction from the Superintendent as it provides monitoring and review.
- [G-](6) Monitoring and review shall be accomplished primarily through:
- (a) written/electronic assurances from school community councils and charter school trust land committees[5].
- (b) written/electronic submission of information from local school boards and charter schools and random and selective compliance reviews of School LAND Trust expenditures[5];
 - (c) the execution of School LAND Trust plans[5]; and
 - (d) other school community council requirements.
- [H.](7) [The School Children's Trust Section shall]A report annually to the Board on compliance review findings and other compliance issues. The Board shall make determinations regarding reduction or elimination of all or a portion of a school's School LAND Trust Program funding in subsequent years, following review and consideration of compliance and financial reviews conducted by the School Children's Trust Section and results of a Legislative Auditor's school community council election review process, and make a report to the Public Education Appropriation Subcommittee.
- [I-](8) [The School Children's Trust Section shall, under the direction of the Superintendent,]Receiving direction from the Superintendent to provide oversight and expertise regarding the School LAND Trust account and all related activities. Oversight and activities may include:
- ([+]a) attending meetings where school trust land, permanent fund, and school community council issues are discussed and voted on:
- ([2]b) providing information to federal, state and local government agencies, the general public, Congress, and the Legislature regarding school trust lands, the trust revenues and expenditure of revenues;
- ([3]c) reviewing and providing information as representatives of the Superintendent to the Congress, Legislature, boards, state and federal agencies and employees that have responsibility for managing school trust lands, maximizing trust land revenues, and investing the permanent State School Fund prudently;
- $([4]\underline{d})$ increas[e]ing and strengthening beneficiary monitoring; and
- $([\underline{\mathfrak{H}}]\underline{e})$ other activities or assignments as directed by the Superintendent.
- [J]E. The president of each local board of education or of each local charter board shall ensure that the members of the board are provided with annual training on the requirements of the School LAND Trust Program. Notice of training shall be provided to the USOE School Children's Trust Section [via email of board minutes identifying training information] before school districts mark plans as approved on the School LAND Trust website following local board approval.
- [K]F. A local school board shall comply with Section 53A-1a-108(10) and provide required copies of the Utah Code to school community council members.

R277-477-5. Information to USOE.

A. Information on each school's plan to address most critical academic needs shall be completed via the School LAND

Trust Program website maintained through the USOE for accurate and uniform reporting.

- B. To facilitate submission of information by schools, each school board shall establish a [timeline for timely submission of information and a]school district submission date for the school district schools not later than May 15 of each year.
- C. Timelines shall allow for school committee reconsideration and editing of the school plan following local board of education or SCSB requested changes.
- D. USOE staff may visit schools receiving funds from the School LAND Trust Program as directed by the Superintendent to discuss the program, receive information and suggestions, provide training, and answer questions.
- E. School districts and charter schools wishing to submit information to the School LAND Trust website through a comprehensive electronic plan shall meet the parameters for programming and data entry required by the USOE. They shall review School LAND Trust plans on the USOE website prior to local board of education or SCSB approval to ensure information consistent with the law has been downloaded by individual schools into the electronic plan visible on the School LAND Trust Program website.
- F. Charter school and school district business administrators shall enter financial data relating to the School LAND Trust Program on the School LAND Trust Program website at the time they prepare and submit Annual Program Report (APR) data to the USOE. The appropriate data shall appear in the final reports submitted online by school community councils for reporting to parents as required in Section 53A-1a-108.
 - G. The financial data shall include:
- (1) the annual distribution received by each school (the sum of the distributions to schools within a school district equals the total distributed to the school district by the USOE);
- (2) expenditures by category made by each school from revenues received from the School LAND Trust in the prior fiscal year.
- H. Expenditures made after the close of the fiscal year shall be accounted for as expenditures in the following fiscal year.
- I. The financial report in each school final report shall be consistent with the narrative submitted by that school community council or charter committee.

KEY: schools, trust lands funds

Date of Enactment or Last Substantive Amendment: | December 8, 2011 | 2012

Notice of Continuation: November 10, 2010

Authorizing, and Implemented or Interpreted Law: Art X Sec

3; 53A-16-101.5(3)(c); 53A-1-401(3)

Education, Administration **R277-514**

Board Procedures: Sanctions for Educator Misconduct

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36665
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to reorder the definitions and provide wording changes.

SUMMARY OF THE RULE OR CHANGE: Definitions are reordered in alphabetical order and clarifying language is provided in Section R277-514-5.

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

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. The minor wording changes to this rule do not result in a cost or savings.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. The minor wording changes to this rule do not result in a cost or savings.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to Utah State Board of Education procedures and licensed educators and do not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The minor wording changes in this rule do not affect licensed educators.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The minor wording changes do not involve any compliance costs for licensed educators.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration.

R277-514. Board Procedures: Sanctions for Educator Misconduct.

R277-514-1. Definitions.

In addition to terms defined in Section 53A-6-103, the following definitions apply:

- A. "Allegation of misconduct" means a written or oral report alleging that an educator has engaged in unprofessional, criminal, or incompetent conduct; is unfit for duty; has lost licensure in another state due to revocation or suspension, or through voluntary surrender or lapse of a license in the face of an allegation of misconduct; or has committed some other violation of standards of ethical conduct, performance, or professional competence.
 - B. "Board" means the Utah State Board of Education.
- $\begin{tabular}{ll} \hline $[\mbox{$\bf B$}]\underline{C}$. "Commission" means the Utah Professional Practices Advisory Commission. \\ \end{tabular}$
- [E]D. "Educator" means a person who currently holds a license, held a license at the time of an alleged offense, is an applicant for a license, or is a person in training to obtain a license.
- [C]E. "License" means an authorization issued by the Board which permits the holder to serve in a professional capacity in a unit of the public education system or an accredited private school.
 - F. "Party" means the complainant or the respondent.
- G. "Recommended disposition" means a recommendation for resolution of a complaint.
- H. "Serve" or "service," as used to refer to the provision of notice to a person, means delivery of a written document or its contents to the person or persons in question. Delivery may be made in person, by mail to the individual's last known address or by other means reasonably calculated, under all of the circumstances, to apprise the interested person or persons to the extent reasonably practical or practicable of the information contained in the document.
- I. "Superintendent" means the State Superintendent of Public Instruction.

R277-514-2. Authority and Purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public schools in the Board, Section 53A-6-405 relating to withdrawal or denial of licensure by the Board for cause, Section 53A-6-307 in which the Board retains the power to issue or revoke licenses, hold hearings or take other disciplinary action as warranted, and Subsection 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.
- B. The purpose of this rule is to provide an appeals process for recommendations and decisions made by the

Commission, including a review by the Superintendent; and to specify the procedures under which the Board may take action against an educator's license for misconduct.

R277-514-3. Administrative Review by Superintendent.

- A. If an administrative action is taken by the Commission which results in a recommendation to the Board for:
- (1) suspension of an educator's license for two years or more, or
 - (2) revocation of an educator's license,
- B. Either party may request review by the Superintendent within 15 days from the date that the Commission sends written notice to both parties that the Commission has made its administrative recommendation.
 - C. The request for review shall consist of the following:
 - (1) name, position, and address of appellant;
 - (2) issue(s) being appealed; and
 - (3) signature of appellant.
 - D. If the Superintendent finds:
- (1) that procedural errors have occurred which [-may-have] violated fairness or due process issues, the Superintendent shall refer the case back to the Commission for reconsideration as to whether or not the findings, conclusions or decisions of the Commission are supported by a preponderance of the evidence, or direct the Executive Secretary for the Commission to take specific administrative action. After reconsideration is completed, the Superintendent shall notify all parties to the case, and refer the matter to the Board, if necessary, for final disposition consistent with this rule.

R277-514-4. Board Procedures.

- A. Except as provided under Subsection R277-514-4(E), if the Board receives an allegation of misconduct by an educator, the allegation shall be forwarded to the Executive Secretary for the Commission for action under R686-100.
- B. Following completion of procedures provided in R686-100, if the Commission recommends that an educator's license be suspended for any period of time or revoked, the recommendation shall be forwarded to the Board for action.
- C. Upon receiving a case from the Commission, the members of the Board shall review a summary of the case and may:
 - (1) accept the recommendation of the Commission; or
- (2) review the case file, findings, conclusions, and recommended disposition of the case.
- (a) If the Board finds no serious procedural errors, that the findings and conclusions are reasonable and supported by a preponderance of the evidence, and that the recommended disposition presents a reasonable resolution of the case, then the Board shall approve the findings and recommended disposition.
- (b) If the Board finds serious procedural errors have violated the fundamental fairness of the process, then the Board shall refer the case back to the Commission to correct the errors.
- (c) If the Board determines that the findings or conclusions are not supported by a preponderance of the evidence, or that the recommended disposition does not present a reasonable resolution of the case, then the Board may refer the case back to the Commission for further action or may, in the alternative, prepare other findings, conclusions, or disposition.

- (d) If the Board finds that there is insufficient information in the case file to complete its work, the Board may direct the parties to appear and present additional evidence or clarification.
- (e) If the Board finds it advisable to do so, the Board may initiate investigations or hearings regarding the initial or continued licensure of an individual and take disciplinary action upon its own volition without referring a given case to the Commission.
- D. The Board shall issue a written order regarding its action which contains its conclusions and its disposition of the case, and direct the State Superintendent to serve a copy of the written order upon the parties.
- E. All documents used by the Board in reaching its decision, and a copy of the Board's final order, shall be made part of the permanent case file.
 - F. The decision of the Board is final.

R277-514-5. Notification Requirements and Procedures.

- A. An educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee shall immediately report that belief to the school principal, district superintendent, or the Commission. A school administrator receiving such a report shall immediately submit the information to the Commission if the employee is licensed as an educator.
- B. A local superintendent<u>or charter school director</u> shall notify the Commission if an educator is determined, pursuant to an administrative or judicial action, to have had disciplinary action taken for or to be guilty of:
- (1) unprofessional conduct or professional incompetence which results in suspension for more than one week or termination, or which otherwise warrants Commission review; or
 - (2) immoral behavior.
- C. Failure of an educator to comply with Subsection A or B may constitute unprofessional conduct.
- D. The State Office of Education shall notify the educator's employer of any final action taken by the Board; and shall notify all Utah [sehool districts]local education agencies (LEAs) and the NASDTEC Educator Information Clearinghouse whenever a license is revoked or suspended, or if an educator surrenders a license or allows it to lapse in the face of allegations of misconduct rather than accept an opportunity to defend against the allegations.

KEY: disciplinary actions, professional competency, educator licensure

Date of Enactment or Last Substantive Amendment: [April 15, 2004|2012

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec

3; 53A-6-405; 53A-6-307; 53A-1-401(3)

Education, Administration **R277-703**

Centennial Scholarship for Early Graduation

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36666
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide a new definition to make the definition consistent with other Utah State Board of Education (Board) administrative rules and to change terminology throughout the rule consistent with the new definition.

SUMMARY OF THE RULE OR CHANGE: A new definition is added to the rule and terminology is changed throughout the rule consistent with the new definition.

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

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Adding this new definition and changing terminology throughout the rule to make this definition consistent with the definition in other Board rules does not result in a cost or savings.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Adding this new definition and changing terminology throughout the rule to make this definition consistent with the definition in other Board rules does not result in a cost or savings.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Adding this new definition and changing terminology throughout the rule to make this definition consistent with the definition in other Board rules does not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Adding this new definition and changing terminology throughout the rule to make this definition consistent with the definition in other Board rules does not result in compliance costs.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration. R277-703. Centennial Scholarship for Early Graduation. R277-703-1. Definitions.

- A. "ATC" means Applied Technology Center.
- B. "Board" means the Utah State Board of Education.
- C. "Centennial Scholarship" means the amount awarded to an early graduating student designated in Section 53A-15-102.
- D. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- $[\underline{\boldsymbol{\vartheta}}] \underline{\boldsymbol{E}}. \quad "SEOP" \ means \ student \ education/occupational plan.$

R277-703-2. Authority and Purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, Section 53A-1-402(1) which authorizes the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements[5 Section 53A-15-101(5) and (6) which direct the Board to provide an early graduation option to students and to develop, implement and evaluate the early graduation program,] and Section 53A-1-401(3) which authorizes the Board to adopt rules in accordance with its responsibilities.
- B. This rule designates the Early Graduation Centennial Scholarship Certificate for use by public schools, allows for graduation to be flexible and appropriate to meet individual students' needs, and outlines the early graduation procedure. If a student graduates any time following the eleventh grade year and enters a Utah post-secondary institution, the [sehool district/charter school] LEA shall receive a reimbursement designated for the public high school from which the student graduated early. The post-secondary institution shall receive an Early Graduation Centennial Scholarship Certificate signed by the high school principal/director entitling the early graduate to a partial tuition scholarship following the date of graduation according to the schedule established by this rule.

R277-703-3. Curriculum Options for Accelerating a Secondary School Student's Education Program.

- A. A student shall complete the courses of study and credit mandated by the Board and by the local board of education/local charter board.
- B. Options for earning additional credit may include but are not limited to:
 - (1) Courses:
 - (a) High school summer school;
- (b) High school or ATC early morning or after school classes;
- (c) Courses completed at the student's own rate based on performance (the local board of education/local charter board is responsible for assessment of mastery, R277-700-6);
- (d) College courses numbered 101 and above from fully accredited institutions (concurrent enrollment, extension division, or continuing education classes);
- (e) [School district/charter school]LEA approved high school or college level correspondence courses;
- (f) Equivalency ratio of higher education hours to high school credits: five (5) quarter or three (3) semester hours equal one (1) unit of high school credit.
- (2) Demonstrated proficiency by assessment (amount of credit to be determined by the local board of education/local charter board, R277-700-6):
- (a) Advanced Placement Examination as approved by the local board of education/local charter board;
- (b) ACT or SAT scores that meet or exceed a level set by the local board of education/local charter board;
- (c) Utah state or [sehool_district/eharter_sehool]LEA secondary end-of-course tests;
- (d) Demonstrated proficiency in a subject, as assessed by the local board of education/local charter board;
 - (e) College Level Examination Program (CLEP) tests.
- (3) Approved work experience, as assessed by the local board of education/local charter board.
- (4) Demonstrated mastery in an experimental program that has received prior approval from the Board (local board of education/local charter board seeks approval from the Board);
- (5) Increased credit for courses that are combined into a time frame that ordinarily accommodates a lesser number of classes, as approved by the local board of education/local charter board;
- (6) Independent study: a student may be allowed credit for an independent research project or independent reading relevant to a course of study:
- (7) Credit for experience gained during travel relevant to a specific course. Prior approval shall be obtained from and credit awarded by the local board of education/local charter board.

R277-703-4. Early Graduation Student Education Plan.

A. In consultation with the student's parent or guardian and school advisor, each student shall indicate to the secondary principal/director the intent to complete early graduation at the beginning of the ninth grade year or as soon thereafter as the intent is known.

B. To be eligible for early graduation, a student shall have a current SEOP on file at the student's high school under provisions of R277-700-8.

R277-703-5. Local Education Requirements.

- A. Requirements relating to semesters in membership are inapplicable to students who have been approved under Section R277-703-4 for graduation following the eleventh grade year.
- B. Local academic and citizenship credit requirements for graduation which exceed Board requirements shall include provisions that permit students to graduate early.

R277-703-6. Funding Provisions.

- A. An [sehool district/charter sehool] LEA shall receive a payment designated for each high school from which students graduated before the end of the twelfth grade year.
 - B. Payment provisions:
- (1) [Sehool districts/charter sehools]LEAs shall receive payment for one-half of the designated Centennial Scholarship amount for each student reported as having graduated at the conclusion of the eleventh grade year on the S-3 report in the fiscal year following the student's graduation.
- (2) [Sehool districts/charter schools]LEAs shall receive payment based on a percentage of the Centennial Scholarship amount for each student reported as graduating during the twelfth grade year. These students shall also be listed on the S-3 report and payment shall be made to the [school district designated for the schools/charter school]LEA in the fiscal year following the students' graduation. [School districts/charter schools]LEAs shall receive payment for schools operating on the quarter or trimester system for each early graduating student according to the following schedule:
- (a) End of first quarter of 12th grade year: 75 percent of one-half of the Centennial Scholarship amount;
- (b) End of second quarter of 12th grade year: 50 percent of one-half of the Centennial Scholarship amount;
- (c) End of third quarter of 12th grade year: 25 percent of one-half of the Centennial Scholarship amount;
- (d) End of first trimester of 12th grade year: 67 percent of one-half of the Centennial Scholarship amount;
- (e) End of second trimester of 12th grade year: 33 percent of one-half of the Centennial Scholarship amount.
- C. A student who graduates from high school at the conclusion of the eleventh grade year or during the twelfth grade year shall be entitled to a partial tuition scholarship in the form of the Early Graduation Centennial Scholarship Certificate to be used at a Utah public college, university, community college, applied technology center, or any other institution in Utah accredited by the Northwest Accreditation Commission that offers post-secondary courses. The post-secondary institution shall complete the Early Graduation Centennial Scholarship Certificate and submit it to the Utah State Office of Education. Upon receipt of the Early Graduation Centennial Scholarship Certificate, the Utah State Office of Education shall verify the information, and reimburse the institution an amount set forth in the following schedule in the fiscal year during which the student enrolls in a post-secondary institution. To be eligible for the scholarship, the student must enroll in an eligible post-secondary institution within one calendar year of graduation.

- (1) The student who graduates at the end of the eleventh grade year shall receive a full Centennial Scholarship.
- (2) The student who graduates at the end of the first quarter of the twelfth grade year shall receive 75 percent of the Centennial Scholarship amount.
- (3) The student who graduates at the end of the second quarter of the twelfth grade year shall receive 50 percent of the Centennial Scholarship amount.
- (4) The student who graduates at the end of the third quarter of the twelfth grade year shall receive 25 percent of the Centennial Scholarship amount.
- (5) The student who graduates at the end of the first trimester of the twelfth grade year shall receive 67 percent of the Centennial Scholarship amount.
- (6) The student who graduates at the end of the second trimester of the twelfth grade year shall receive 33 percent of the Centennial Scholarship amount.

KEY: graduation requirements, curricula

Date of Enactment or Last Substantive Amendment: [February 7, 12012

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1); 53A-1-401(3)]; 53A-15-101(5) and (6)

Education, Administration **R277-709**

Education Programs Serving Youth in Custody

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36667
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide language about the delivery of educational services to youth in custody students and the processes for distributing education contract funds to the local education agency (LEA) responsible for the delivery of educational services at the Utah State Hospital.

SUMMARY OF THE RULE OR CHANGE: New definitions are provided; new language is provided regarding student evaluation, education plans and LEA programs, program fiscal and accountability procedures, youth in custody programs and students with disabilities and youth in custody program staffing and monitoring. Changes include providing new sections about the Utah State Hospital, program curriculum, outcomes and student mastery, and two entities added to the Coordinating Council.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1-403(2)(b)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Changes to the rule are primarily about procedures and accountability. There are no changes in the amount of funding for youth in custody programs. Changes to the procedures for funding affect one school district.
- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Changes to the rule are primarily about procedures and accountability. There are no changes in the amount of funding for youth in custody programs. Changes to the procedures for funding affect one school district.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to youth in custody programs in the public school system and do not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. There are changes to the manner in which the Utah State Hospital will receive funding for services to youth in custody students, but the amount of funding is not changed by the amendments to this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Changes to the rule are procedural and no compliance costs are affected.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration.

R277-709. Education Programs Serving Youth in Custody. R277-709-1. Definitions.

- A. "Accreditation" means the formal process for evaluation and approval under the Standards for the Northwest Accreditation Commission supported by AdvancED.
 - A. "Board" means the Utah State Board of Education.
- B. "Custody" means the status of being legally subject to the control of another person or a public agency.
- C. "LEA" means local education agency, including local school boards/ public school districts and[-schools, and] charter schools.
- E. "Student Education/Occupation Plan (SEOP)" means a plan developed by a student and the student's parent or guardian, in consultation with school counselors, teachers and administrators that:
 - (1) is initiated at the beginning of grade 7;
 - (2) identifies a student's skills and objectives;
- (3) maps out a strategy to guide a student's course selection; and
- (4) links a student to postsecondary options, including higher education and careers.
 - D. "USOE" means the Utah State Office of Education.
- E. "Youth in Custody" means a person defined under Sections 53A-1-403[(+)](2)(a) and 62A-15-609 who does not have a high school diploma or a GED certificate.

R277-709-2. 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-1-403[(+)](2)(b) which [makes the Board directly responsible] requires the Board to adopt rules for the distribution of funds for the education of youth in custody, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
- B. The purpose of this rule is to specify operation standards, procedures, and distribution of funds for youth in custody programs.

R277-709-3. Student Evaluation, Education Plans, and LEA Programs.

- A. Each student meeting the <u>eligibility</u> definition of youth in custody shall [be evaluated at least every three years to determine the level and seope of the student's educational performance and the student's learning abilities. The evaluation shall include vision and auditory tests]have a written SEOP defining the student's academic achievement, and shall specify known in-school and extra-school factors which may affect the student's school performance.
- B. Annually, the student's SEOP shall be reviewed by the student, school staff and parent/guardian and maintained in the student's file.
- C. For purposes of agency data sharing, a data matching/agency waiver release form shall be signed by the qualified student's guardian and maintained in the student's file.
- <u>D.</u> The program receiving the student is responsible for obtaining the student's evaluation records, and, in cases where the records are not current, for conducting the evaluation, which may include a special education eligibility evaluation, as quickly as

possible so that unnecessary delay in developing a student's education program is avoided.

- E. The LEA in which the program resides has the responsibility to conduct Individuals with Disability Act (IDEA) child find activities within the program, consistent with Utah State Board of Education Special Education Rule II.A.
- [B]E. Based upon the results of the student evaluation, an appropriate student education plan and, as needed, a special education Individualized Education Program (IEP), shall be prepared for each eligible youth in custody. The plan shall be reviewed and updated at least once each year or immediately following transfer of a student from one program to another, whichever is sooner. The plan is developed in cooperation with appropriate representatives of other service agencies working with a student. The plan shall specify the responsibilities of each of the agencies towards the student and is signed by each agency's representative.
- G. All provisions of the IDEA and state special education rules apply to youth in custody programs. Youth in custody programs shall be included in the USOE general supervision monitoring annually.

[€]<u>H</u>. LEA Youth in Custody Programs

- (1) The LEA shall provide an education program for the student which conforms as closely as possible to the student's education plan. Educational services shall be provided in the least restrictive environment appropriate for the student's behavior and educational performance. [—Youth in custody who do not requirespecial services or supervision beyond that which would be available to them were they not in custody shall be considered part of the district's regular enrollment and treated accordingly.]
- (2) Youth in custody who do not require educational services or supervision beyond students not in custody shall be considered part of the district's regular enrollment and provided education services.
- $([2]\underline{3})$ Youth in custody shall not be assigned to, or remain in, restrictive or non-mainstream programs simply because of their custodial status, past behavior that does not put others at risk, or the inappropriate behavior of other students.
- ([3]4) Education programs to which youth in custody are assigned shall meet the standards which are adopted by the Board for that type program. Compliance shall be monitored by the Utah State Office of Education in periodic review visits.
- ([4]5) Credit earned in youth in custody programs that are accredited shall be accepted at face value in Utah's public schools consistent with R277-410-9, Transfer or Acceptance of Credit.
- ([5]6) Educational services shall be sufficiently coordinated with non-custody programs to enable youth in custody to continue their education with minimal disruption following discharge from custody.
- [Đ]<u>I</u>. Youth in custody shall be admitted to classes within five school days following arrival at a new residential placement. If evaluation and [student education plan]SEOP or IEP development are delayed beyond that period, the student shall be enrolled temporarily based upon the best information available. The temporary schedule may be modified to meet the student's needs after the evaluation and planning process has been completed.
- [E]J. [When]Following a student's [is-]release[d] from custody or transfer[red] to a new program, the sending program shall bring all available school records up to date and forward them

- to the receiving program [within one week following notification of release or transfer]consistent with Section 53A-11-504.
- K. Student demographic information, copies of birth certificates, standardized test records, including special education IEP documents, shall be scanned into the youth in custody database (YICopia) as records become available.
- L. All grades, attendance records and special education SCRAM records shall be maintained in the LEA's SIS system in compliance with R277-484, Data Standards.

R277-709-4. [Operation] Program Fiscal and Accountability Procedures.

- A. State funds appropriated for youth in custody, including the Utah State Hospital, are allocated in accordance with Section 53A-1-403 and Section 62A-15-609.
- B. Funds appropriated for youth in custody programs shall be subject to Board accounting, auditing, and budgeting rules and policies.
 - C. Board Contracts for Youth in Custody Services
- [A](1) the Board shall, through an annually submitted and approved state application/plan, contract with LEAs to provide educational services for youth in custody. The respective responsibilities of the Board, LEAs, and other local service providers for education shall be established in the contract. An LEA may subcontract with local non-district educational service providers for the provision of educational services;
- (2) the Board may contract through an RFP process with an appropriate entit[ies]y [other than LEAs—]only if the Board determines that the LEA where the facility is located is unable or unwilling to provide adequate education services.
- $[B_{\overline{\cdot}}](3)$ Youth in custody students receiving education services by or through an LEA are students of that LEA.
- $[\mbox{\ensuremath{\mathcal{C}}}]\underline{D}.$ State funds appropriated for youth in custody are allocated on the basis of <u>an</u> annual<u>ly submitted and approved application[s]</u> made by <u>the LEA[s] where a youth in custody program resides</u>.
- [Đ]<u>E</u>. The share of funds distributed to an LEA is based upon criteria which include the number of youth in custody served in the district, the type of program required for the youth, the setting for providing services, and the length of the program.
- [E]E. Funds approved for youth in custody projects [may]shall be expended solely for the purposes described in the respective funding application.[—Unexpended funds may not becarried over from one fiscal year to the next, except following specific approval of the Board or a designee.]
- [F]G. The USOE may retain no more than five percent of the total youth in custody annual legislative appropriation for administration, oversight, monitoring, and evaluation of youth in custody programs and their compliance with law and this rule. [annual youth in custody appropriation for program administration. No more than one percent of the appropriation may be directed to the following specific purposes and services:
 - (1) educator professional development;
- (2) electronic educational services specific to a student's or LEA's needs;
- (3) youth in custody data collection at the LEA and state level;
- (4) site visits to youth in eustody schools by youth in eustody personnel; and

- (5) program evaluation at the state level.
- [G]H. [Four]Up to three percent of the five percent of administrative funds allowed under R277-709-4F may be withheld by the USOE [to be]and directed to students attending youth in custody programs for short periods of time or to new or beginning youth in custody programs.
- [H. Federal funds are available under the Elementary and Secondary Education Act, 34 C.F.R., Chapter II, Part 200, Title I, Subpart D, for the education of youth who are neglected, delinquent, or at risk of dropping out.
- I. Funds, state (flow through or state contract) or federal (reimbursement) or both, may be withheld or terminated for noncompliance with state policy and procedures and associated reporting timelines as defined by the Board.
- J. The Board or its designee shall develop uniform forms, deadlines, reporting and accounting procedures and guidelines to govern the youth in custody school-based programs and Utah State Hospital funded programs.

R277-709-5. Youth in Custody Programs and Students with Disabilities.

- [‡]A. The youth in custody program is separate from and not conducted under the state's education program for students with disabilities. Custodial status alone does not qualify a youth in custody student as a student with a disability under laws regulating education for students with disabilities.
- B. Youth in custody students may be eligible for special education funding and services based upon special education rules and regulations.
- C. Youth in custody students qualifying for special education services shall receive educational instruction as defined in R277-750, Education Programs for Students with Disabilities.
- D. Special education procedural safeguards shall apply to all IDEA eligible youth in custody students regardless of instructional location.
- E. Special education programs provided through youth in custody programs shall be monitored on an annual basis as defined by special education rules and policies.

R277-709-6. Youth in Custody Program Staffing and Monitoring.

- [J. The Board, or its designee, shall adopt uniform pupil and fiscal accounting procedures, forms, and deadlines for the youth in custody program.
-] [K]A. Education staff assigned to youth in custody shall be qualified and appropriate for their assignments as defined in R277-503, Licensing Routes.[— The teaching license and endorsement held by a teacher shall be important in evaluating the appropriateness of a teacher's assignment but not controlling. Elementary teachers may teach secondary age students who are functioning at an elementary level in the subjects in question. Teachers shall not be required to hold special education licenses, although such licenses are encouraged.]
- B. Youth in custody programs shall maintain accreditation as part of the LEA where the programs are located consistent with R277-410, Accreditation of Schools.
- C. The USOE shall evaluate youth in custody programs through regular site monitoring visits and monthly desk monitoring, as directed by the USOE.

- D. Monitored programs shall prepare and submit to the USOE a written corrective action plan for each monitoring finding as requested by the USOE.
- E. A youth in custody program's failure to resolve audit/monitoring findings as soon as possible, and, in no case, later than one calendar year from date of notice, may result in the termination of state funding as provided in R277-114, Corrective Action and Withdrawal or Reduction of Program Funds.
- F. The USOE may review LEA or State Hospital records and practices for compliance with the law and this rule.

R277-709-7. Utah State Hospital.

- A. Funding for the education programs at the Utah State Hospital shall be contingent upon a legislative appropriation.
- B. State education contract funds appropriated for State Hospital youth in custody are allocated to the LEA on a reimbursement basis. The State Hospital shall annually submit requests for reimbursement.
- C. Funding shall be distributed to the LEA on a reimbursement basis subject to required documentation that supports expenditures.
- D. Funds may be withheld or terminated for noncompliance with state and federal policies and procedures and associated reporting requirements and timelines as defined by the USOE.
- E. All students qualifying for special education services shall be served by the special education standards defined in R277-750.
- F. Staff providing special education services shall comply with all state special education rules, policies and procedures, including SCRAM reporting, child find, assessment and financial accountability, as defined by the Board.

R277-709-8. Youth in Custody/LEA Fiscal Procedures.

- A. Ten percent or \$50,000, whichever is less, of state youth in custody funds or educational contract funds (State Hospital) not expended in the current fiscal year may be carried over by eligible LEAs and spent in the next fiscal year with written approval of the USOE.
- B. A request to carry over funds shall be submitted for approval by August 1. Approved carry over amounts shall be detailed in a revised budget submitted to the USOE no later than October 1 in the year requested.
- C. Excess funds may be considered in determining the LEA's allocation for the next fiscal year.
- D. Annually, fund balances in excess of ten percent or \$50,000 shall be recaptured by the USOE no later than February 1 and reallocated to the youth in custody programs based on the criteria and procedures provided by the USOE.

R277-709-9. Program, Curriculum, Outcomes and Student Mastery.

- A. Youth in custody programs shall offer courses consistent with the Utah Core standards under R277-700.
- B. The Utah core standards and teaching strategies may be modified or adjusted to meet the individual needs of youth in custody students.
- C. Course content mastery shall be stressed rather than completion of predetermined seat time in a classroom.

D. Written course descriptions for GED Test preparation shall be made available for youth in custody students who consider pursuing GED Tests as an alternative to traditional Carnegie diploma courses.

R277-709-[5]10. Confidentiality.

- A. Transcripts and diplomas prepared for youth in custody shall be issued in the name of an existing LEA which also serves non-custodial youth and shall not bear references to custodial status
- B. School records which refer to custodial status, juvenile court records, and related matters shall be kept separate from permanent school records, but are nonetheless student records if retained by the LEA.
- C. Members of the interagency team which design and oversee student education plans shall have access, through team member representatives of the participating agencies, to relevant records of the various agencies. The records and information obtained from the records remain the property of the supplying agency and shall not be transferred or shared with other persons or agencies without the permission of the supplying agency.
- D. All information maintained in permanent form on a student from whatever source derived or received, is a student record under the Family Educational Rights and Privacy Act, 34 C.F.R., Part 99.
- E. All confidentiality provisions that pertain to eligible students with disabilities under IDEA apply.

R277-709-[6]11. Coordinating Council.

- A. The Department of Human Services and the Board shall appoint a coordinating council to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services. The Council shall operate under the guidelines developed and approved by the Department of Human Services and the Board.
- B. Council membership shall include a representative of the following:
 - (1) Department of Human Services;
 - (2) Division of Substance Abuse and Mental Health;
 - ([2]3) Division of Juvenile Justice Services;
 - ([3]4) Division of Child and Family Services;
 - ([4]5) Utah State Office of Education[-];
 - (6) Utah State Hospital administration;
 - ([5]<u>7</u>) LEAs;
 - ([6]8) juvenile courts;
 - ([7]9) community-based private providers;
 - ([8]10) foster parents;
 - ([9]11) a Native American tribe; and
 - $(1[\theta]2)$ Guardian ad Litem's Office.

R277-709-[7]12. Advisory Councils.

- A. Each LEA serving youth in custody shall establish a local interagency advisory council which shall be responsible for advising member agencies concerning coordination of youth in custody programs. Members of the council shall include, if applicable to the LEA, the following:
- (1) a representative of the Division of Child and Family Services;

- (2) a representative of the Division of Juvenile Justice Services:
- (3) directors of agencies located in an [district]LEA such as detention centers, secure lockup facilities, [and]observation and assessment units, and the Utah State Hospital;
- (4) a representative of community-based alternative programs for custodial juveniles; and
 - (5) a representative of the LEA.
 - B. The council shall adopt by-laws for its operation.
- C. Local interagency advisory councils shall meet at least quarterly.

KEY: students, education, juvenile courts

Date of Enactment or Last Substantive Amendment: [April 8, 2011]2012

Notice of Continuation: January 8, 2008

Authorizing, and Implemented or Interpreted Law: Art X Sec

3; 53A-1-403(1); 53A-1-401(3)

Education, Administration **R277-713**

Concurrent Enrollment of High School Students in College Courses

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36668
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide a new definition and language for technology-intensive concurrent enrollment courses, allow for institutions of higher education to charge partial tuition for certain courses offered in public schools through concurrent enrollment, and, with certain exceptions, require concurrent enrollment courses be offered through the higher education institution in the appropriate geographical service region.

SUMMARY OF THE RULE OR CHANGE: A new new definition is added to Section R277-713-1; new language about technology-intensive concurrent enrollment courses is added to Section R277-713-4; new language about program delivery is added to Section R277-713-5; and new language about student tuition, fees and credit for concurrent enrollment programs is added to Section R277-713-6.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-17a-120.5 and Subsection 53A-1-401(3) and Subsection 53A-1-402(1)(c)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: Higher education institutions may generate more revenue because of the partial tuition charged

for each credit hour taken by high school students. An estimated amount is \$2,206,800.

- ♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Any additional costs or savings will be to higher education institutions and individual students/parents.
- ♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule applies to public and higher education and does not affect businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: High school students that want to receive credit from higher education institutions for concurrent enrollment courses may be required to pay partial tuition of up to \$30 per credit hour. Currently students enrolled in concurrent enrollment receive credit from institutions of higher education without paying tuition. Costs to students overall may be as much as \$2,206,800.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be compliance costs for students participating in the concurrent enrollment program. Students may be charged partial tuition consistent with state law if they choose to take certain concurrent enrollment courses. Costs to students overall may be as much as \$2,206,800.

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

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration.

R277-713. Concurrent Enrollment of High School Students in College Courses.

R277-713-1. Definitions.

A. "Adjunct/Concurrent faculty" means instructors approved by the cooperating USHE institution and approved by

school district or charter school receiving concurrent enrollment services from the instructor to teach concurrent enrollment classes on behalf of the USHE institution.

- B. "Annual Concurrent Enrollment Contract" means a written plan, negotiated by a school district and a USHE institution, to provide college level courses to high school students.
 - C. "Board" means the Utah State Board of Education.
- D. "Concurrent enrollment" for state funding and for the purposes of this rule means enrollment by public school students in one or more USHE institution course(s) under a contractual agreement between the USHE institution and a school district/public school. Students continue to be enrolled in public schools, counted in Average Daily Membership, and receive credit toward graduation. They also receive college credit for courses.
- E. "Fees" for purposes of concurrent enrollment and this rule mean expenses to students directly related to enrollment and tuition. Fees do not include reasonable lab costs, expenses for textbooks and consumable curriculum materials that are required only for USHE credit or grades.
- F. "Technology-intensive concurrent enrollment courses (TICE)," means designed hybrid courses, having a blend of different learning activities available both in classrooms and online, or courses delivered exclusively online.
- $\cite{F}\cite{\underline{G}}.$ "USHE" means the Utah System of Higher Education.

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

R277-713-2. Authority and Purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which provides for the State Board to have general supervision and control over public schools and by Section 53A-17a-120.5 which directs the Board to adopt rules providing that a school participating in the concurrent enrollment programs offered under Section 53A-15-101 shall receive an allocation from the monies as provided in Section 53A-15-101, Section 53A-1-402(1) (c) which directs the Board to adopt minimum standards for curriculum, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
- B. The purpose of concurrent enrollment is to provide a challenging college-level and productive secondary school experience, particularly in the senior year, and to provide transition courses that can be applied to post-secondary education.
- C. The purpose of this rule is to specify the standards and procedures for concurrent enrollment courses and criteria for funding appropriate concurrent enrollment expenditures.

R277-713-3. Student Eligibility.

- A. Schools and USHE institutions shall jointly establish student eligibility requirements which shall be sufficiently selective to predict a successful experience.
- B. Local schools have the primary responsibility for identifying students who are eligible to participate in concurrent enrollment classes.
- C. To ensure that a student is prepared for college level work, an appropriate assessment shall be administered to the student prior to participation in all concurrent mathematics and English courses, and to determine that the student meets perquisites previously established for the same campus-based course by the sponsoring USHE institutions.

- D. Each student participating in the concurrent enrollment program shall have a current student education/occupation plan (SEOP) on file at the participating school, as required under Section 53A-1a-106(2)(b).
- E. Schools and USHE institutions shall jointly coordinate advice and information provided to a prospective or current high school student who participates in the concurrent enrollment program consistent with Section 53A-15-101. Advising shall include providing information on general education requirements at higher education institutions and assisting students or parents to efficiently choose concurrent enrollment courses to avoid duplication and excess credit hours.

R277-713-4. Courses and Student Participation.

- A. The awarding of USHE institution credit for concurrent enrollment courses is the province of colleges and universities governed by USHE policies.
- B. Concurrent enrollment offerings shall be limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career technical programs to allow a focus of energy and resources on quality instruction in these courses. [However, t]There may be a [greater-]variety of courses in the career technical education area. Concurrent Enrollment courses should assist students toward post-secondary degrees.
- C. TICE courses shall facilitate articulation, transfer of credit, and, when possible, use open source materials available to all USHE institutions in order to reduce costs.
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- [Đ]E. Only courses taken from a master list maintained by the Curriculum Section at the USOE shall be reimbursed from state concurrent enrollment funds.
- [E]E. The Board of Regents, after consultation with school districts/charter schools, shall provide the USOE with proposed new course offerings, including syllabi and curriculum materials by November 30 of the year preceding the school year in which courses shall be offered.
- [F]G. Concurrent enrollment funding shall be provided only for 1000 or 2000 level courses unless a student's SEOP identifies a student's readiness and preparation for a higher level course. This exception shall be individually approved by the student's counselor and school district or charter school concurrent enrollment administrator. Concurrent enrollment funding is not intended for unilateral parent/student initiated college attendance or course-taking.
- [G]<u>H</u>. Concurrent enrollment course offerings shall reflect the strengths and resources of the respective schools and USHE institutions and be based upon student needs. The number of courses selected shall be kept small enough to ensure coordinated statewide development and training activities for participating teachers.
- [H]I. Course content, procedures, examinations, teaching materials, and program monitoring shall be the responsibility of the appropriate USHE institution, shall be consistent with Utah law, and shall ensure quality and comparability with courses offered on the college or university campus.

- [4]I. Participation in concurrent enrollment generates higher education credit that becomes a part of a student's permanent college transcript.
- $[J]\underline{K}$. Schools and USHE institutions shall jointly align information technology systems with all individual student academic achievement so that student information will be tracked through both education systems in accordance with Section 53A-1-603.5

R277-713-5. Program Delivery.

- A. Schools within the USHE that grant higher education/college credit may participate in the concurrent enrollment program, provided that such participation shall be consistent with the law and consistent with Board rules specific to the use of public education funds and rules for public education programs.
- B. Concurrent enrollment courses, with exception of courses delivered through technology, may be offered to high school students only by USHE institutions in the corresponding geographic service region, as determined by the State Board of Regents.
- C.(1) A local school board or charter school governing board shall contact the USHE institution in the corresponding geographical service region to provide concurrent enrollment courses, and the higher education institution shall respond to the request within 60 days after the day on which the local school board or charter school contacts the institution on whether the institution will offer the requested courses.
- (2) If the USHE institution in the corresponding service region denies the request for concurrent enrollment courses, another USHE institution may offer the concurrent enrollment course(s).
- (3) Courses delivered exclusively through technology are not subject to the corresponding geographic service region requirement.
- [B]D. Concurrent enrollment courses shall be offered at the most appropriate location using the most appropriate methods for the course content, the faculty, and the students involved.
- [*C*]<u>E</u>. The delivery system and curriculum program shall be designed and implemented to take full advantage of the most current available educational technology.
- [Đ]E. Courses taken by students who have received a diploma, whose class has graduated or who have participated in graduation exercises are not eligible for concurrent enrollment funding. Senior students shall complete reimbursable concurrent enrollment courses prior to their graduation or participation in graduation exercises.
- [E]G. Concurrent enrollment is intended primarily for students in their last two years of high school.
- (1) Concurrent enrollment may not include high school courses that are typically offered in grades 9 or 10.
- (2) The Early College High School Program, specifically initiated to encourage students to earn college credit beginning in the ninth grade leading to a college diploma earned concurrently with a high school diploma, may enroll student Program participants in grades 9 and 10 in concurrent enrollment courses.
- [F]H. State reimbursement to school districts for concurrent enrollment courses may not exceed 30 semester hours per student per year.

[G]I. Public schools/school districts shall use USOE designated 11-digit course codes for concurrent enrollment courses.

R277-713-6. Student Tuition, Fees and Credit for Concurrent Enrollment Programs.

- [A. Tuition or fees may not be charged to high school students for participation in this program consistent with Section 53A-15-101(6)(b)(iii).
- B. Students may be assessed a one-time enrollment charge per institution.]A. Secondary students may be assessed a one-time per institution admissions application fee for concurrent enrollment courses.
- B. A secondary student may be charged partial tuition up to \$30 per credit hour for each concurrent enrollment course for which the student receives college credit, except as provided in R277-713-6D.
- C. A secondary student may participate in a concurrent enrollment course and not pay the partial tuition if the secondary student elects not to receive credit from a USHE institution.
- D(1) A USHE institution may not charge tuition to a high school concurrent enrollment student for:
 - (a) a technology-intensive concurrent (TICE) course; or
- (b) a gateway career and technology education course, as defined by the State Board of Regents.
- (2) A USHE institution may only charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hours for each concurrent enrollment course for which the student receives college credit.
- (3) If a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may only charge a concurrent enrollment student up to \$10 per credit hour for the concurrent enrollment course for which the student receives college credit.
- (4) If a concurrent enrollment course is taught through video conferencing, a USHE institution may charge a concurrent enrollment student up to \$15 per credit hour for the concurrent enrollment course.
- (5) If a high school student enrolls in multiple concurrent enrollment courses at an institution, the institution shall discount the partial tuition for each subsequent course the student takes after the student pays the full amount for the first course.
- (6) The State Board of Regents shall determine how an institution discounts tuition for multiple courses.
- [€]E. Concurrent enrollment program costs attributable only to USHE credit or enrollment are not fees and as such are not subject to fee waiver under R277-407.
- $[\mathcal{D}]\underline{F}$. All students' costs related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407.
- [E]G. The school district/school shall be responsible for these waivers. The agreement between the USHE institution and the district may address the responsibility for fee waivers.

[F]H. Credit:

- (1) A student shall receive high school credit for concurrent enrollment classes that is consistent with the district policies for awarding credit for graduation.
- (2) College level courses taught in the high school carry the same credit hour value as when taught on a college or university

campus and apply toward college/university graduation on the same basis as courses taught at the USHE institution to which the credits are submitted.

- (3) Credit earned through the concurrent enrollment program shall be transferable from one USHE institution to another.
- (4) Concurrent enrollment course credit shall count toward high school graduation requirements as well as for college credit

R277-713-7. Faculty Requirements.

- A. Nomination of adjunct faculty is the joint responsibility of the participating local school district(s) and the participating USHE institution. Public education teachers shall have secondary endorsements in the subject area(s) to be taught and meet highly qualified standards for their assignment(s) consistent with R277-510. Final approval of the adjunct faculty shall be determined by the appropriate USHE institution.
- B. USHE institution faculty beginning their USHE employment in the 2005-06 school year who are not K-12 teachers and who have significant unsupervised access to K-12 students and instruct in the concurrent enrollment program defined under this rule shall complete a criminal background check consistent with Section 53A-3-410. The adjunct faculty employer shall have responsibility for determining the need for criminal background checks consistent with the law and for satisfying this requirement and shall maintain appropriate documentation.
 - C. Adjunct faculty status of high school teachers:
- (1) High school teachers who hold adjunct or part time faculty status with a USHE institution for the purpose of teaching concurrent enrollment courses shall be included as fully as possible in the academic life of the supervising academic department.
- (2) USHE institutions and secondary schools shall share expertise and professional development, as necessary, to adequately prepare teachers at all levels to teach concurrent enrollment students and content, including both federal and state laws specific to student privacy and student records.

R277-713-8. Concurrent Enrollment Funding and Use of Concurrent Enrollment Funds.

- A. Each district shall receive a pro-rated amount of the funds appropriated for concurrent enrollment according to the number of semester hours successfully completed by students registered through the district in the prior year compared to the state total of completed concurrent enrollment hours. Successfully completed means that a student received USHE credit for the course. Concurrent enrollment funds may not reimburse districts for repeated concurrent enrollment courses. Appropriate reimbursement may be verified at any reasonable time by USOE audit.
- B. The funds shall first be allocated proportionally, based upon student credit hours delivered.
- (1) Courses that are taught by public school educators: 60 percent of the funds shall be allocated to local school boards and charter schools, and 40 percent of the funds shall be allocated to the State Board of Regents.
- (2) Courses taught by college or university faculty: 60 percent of the funds shall be allocated to the State Board of Regents, and 40 percent of the funds shall be allocated to local school boards and charter schools.

- C. Each high school shall receive its proportional share of district concurrent enrollment monies allocated to the district pursuant to Section 53A-17a-120 based upon the hours of concurrent enrollment course work successfully completed by students on the high school campus as compared to the state total of completed concurrent enrollment hours.
- D. Funds allocated to school districts for concurrent enrollment shall not be used for any other program.
- E. District use of state funds for concurrent enrollment is limited to the following:
- (1) aid in staff development of adjunct faculty in cooperation with the participating USHE institution;
- (2) assistance with delivery costs for distance learning programs;
- (3) participation in the costs of district or school personnel who work with the program;
- (4) student textbooks and other instructional materials; and
- (5) fee waivers for costs or expenses related to concurrent enrollment for fee waiver eligible students under R277-407.
- (6) districts/charter schools may purchase classroom equipment required to conduct concurrent enrollment courses.
- (7) other uses approved in writing by the USOE consistent with the law and purposes of this rule.
- F. School districts/charter schools shall provide the USOE with end-of-year expenditures reports itemized by the categories identified in R277-713-8D.

R277-713-9. Annual Contracts and Other Student Instruction Issues.

- A. Collaborating school districts/charter schools and USHE institutions shall negotiate annual contracts including:
 - (1) the courses offered;
 - (2) the location of the instruction;
 - (3) the teacher;
 - (4) student eligibility requirements;
 - (5) course outlines;
 - (6) texts, and other materials needed; and
- (7) the administrative and supervisory services, in-service education, and reporting mechanisms to be provided by each party to the contract.
- (a) each school district/charter school shall provide an annual report to the USOE regarding supervisory services and professional development provided by a USHE institution.
- (b) each school district/charter school shall provide an annual report to the USOE indicating that all concurrent enrollment instructors are in compliance with R277-713-7B and C.
- B. A school district/charter school shall provide a copy of the annual contract entered into between a school district/charter school and a USHE institution for the upcoming school year no later than May 30 annually.
- C. The annual concurrent enrollment agreement between a USHE institution and a school district/charter school who has responsibility shall:
- (1) provide for parental permission for students to participate in concurrent enrollment classes, which includes notice to parents that participation in concurrent enrollment courses count toward a student's college record/transcript,

- (2) provide for the entity responsible for parent notification about concurrent enrollment purpose(s) and student and family privacy protections; and
- (3) provide for discussion and training, as necessary, to all concurrent enrollment instructors about student information, student records laws, and student confidentiality.

KEY: students, curricula, higher education

Date of Enactment or Last Substantive Amendment: [July 11, 2011|2012

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-120.5; 53A-1-402(1)(c); 53A-1-401(3)

Education, Administration **R277-726**

Statewide Public Education Online Program

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36669
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to reflect changes resulting from the passage of S.B. 178, 2012 General Session.

SUMMARY OF THE RULE OR CHANGE: The amendments provide changes to course registration and related procedures, changes in payments for online courses to facilitate enrollment and withdrawal and changes to allow students to take one online course without dropping a course.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-15-1210 and Section 53A-15-1213 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: Local education agencies (LEAs) implemented and will implement the online program, including changes in 2012, without a state appropriation.
- ♦ LOCAL GOVERNMENTS: Initially, there will be costs to LEAs as they implement this program, even with graduated course costs. If the program grows to the point that there are enough students in specific courses in specific schools to cut teachers in brick and mortar programs, there may be savings to LEAs. These costs (current) or savings (future) are speculative.
- ♦ SMALL BUSINESSES: There may be increased revenue to small businesses that offer online courses in the Statewide Online Education Program. These costs are speculative.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The amendments to the rule do not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Changes to the rule do not provide compliance language.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and agree that costs and savings are speculative and that businesses may be positively affected.

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 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 NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

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

R277. Education, Administration.

R277-726. Statewide [Public Education | Online Education | Program.

R277-726-1. Definitions.

- A. "Actively participates" means the student actively participates as defined by the $[\pi]$ Provider.
 - B. "Board" means the Utah State Board of Education.
- C. "Course completion" means that a student has completed a course with a passing grade and the [p]Provider has transmitted the grade and credit to primary LEA of enrollment.
- D. "Course Credit Acknowledgment (CCA)" means the agreement and registration record using the USOE provided Statewide [Public Education-]Online Education Program form. The CCA shall be signed by the student, parent, designee of primary school of enrollment and qualified [online-]Provider.
- E. "Eligible student" means a student enrolled in grades 9-12 in a public school, but does not include students enrolled in adult education programs.
- F. "Enrollment confirmation" means the student initially registered and actively participated, as defined under R277-726-1A.

- G. "Executed CCA" means that all parties have signed the CCA and the CCA has been received by the USOE. Following enrollment confirmation and participation, the USOE directs funds to Provider, consistent with Sections 53A-15-1206, 1206.5 and 1207.
- H. "LEA" means a local education agency, [in Utah that has local administrative control and direction for public education] including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- I. "Online course" means a course of instruction offered through the Statewide [Public Education | Online Education | Program.
- J. "Online course payment" means the amount withheld from the student's primary LEA and disbursed to the designated Provider following satisfaction of the requirements of the law, and as directed in Section 53A-15-1207.
- K. "Online course provider (Provider)" means a district school, a charter school or an LEA program created for the purpose of serving Utah students grades 9-12 online.
- L. "Primary LEA of enrollment" means the [student's-LEA defined under Section 53A-15-1202(9)]LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.
- M. "Primary school of enrollment" means a student's school of record, where the student takes the majority of his classes; and the school that maintains the student's cumulative file, enrollment information and transcript.
- $N.\,$ "SEOP" means student education occupation plan as defined in R277-700.
- O. "Statewide assessment" means Criterion-Referenced tests or <u>computer</u> adaptive tests required under R277-404.
- P. "Statewide [Public Education | Online Education | Program (Program)" means courses offered to students under Section 53A-15-1201 through 53A-15-12[45]17.
 - O. "USOE" means the Utah State Office of Education.
- R. "USOE course code" means a code for a designated subject matter course assigned by the USOE.
- S. "Withdrawal from online course" means that a student withdraws or ceases participation in an online course [within 10 days of student enrollment confirmation by the USOE in the online course.] as follows:
- (1) within 20 calendar days of the start date of the course, if the student enrolls on or before the start date;
- (2) within 20 calendar days of enrolling in a course, if the student enrolls after the start date; or
- (3) within 20 calendar days after the start date of the second .5 credit of a 1.0 credit course;
- <u>(4)</u> [Withdrawal may also occur] as the result of a student suspension from an online course following adequate <u>documented</u> due process by the Provider.

R277-726-2. 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-15-1210 which requires the Board to make rules providing for the administration of statewide assessments to students enrolled in online courses[-and-requiring an online course provider to proctor the state-designated assessments],

Section 53A-15-1213 which requires the Board to make rules that establish a course credit acknowledgment form and procedures for completing and submitting the form to the Board, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to define necessary terms, provide and describe a [public education online]Program registration agreement and provide other requirements for LEAs, the USOE, parents and students, and Providers for Program implementation and accountability.

R277-726-3. Course Credit Acknowledgment (CCA) Process.

- A. A student[-or] a student's parent_or a Provider may initiate a CCA[-by filing a CCA with the student's primary school of enrollment].
- B. A counselor designated by the primary school of enrollment shall review the CCA to ensure consistency with graduation requirements, the student's SEOP, [and-]the student's Individualized Education Plan (IEP), [or]the student's Section 504 plan, or the student's international baccalaureate program, if applicable. [If approved, t]The [eounselor gives preliminary approval to the]primary school of enrollment shall return the CCA [and submits the CCA] to the USOE within 72 business hours.
- C. A Provider initiated CCA may be sent directly to the USOE if the course is consistent with the student's SEOP. The primary school of enrollment need not meet with the student or parent and shall be notified of such an enrollment by the USOE.
- D. If the student has an IEP or a Section 504 plan, the primary LEA or school of enrollment shall forward the IEP or description of 504 accommodations to the Provider within 72 business hours of receiving notice from the USOE that the Provider has accepted the enrollment request.
- [*E*]<u>E</u>. The USOE shall develop and administer procedures for facilitation of the CCA that inform all appropriate parties.

R277-726-4. Eligible Student/Parent Rights and Responsibilities.

- A. Eligible students may register for up to two Program credits in the [2011-]2012-2013 school year[-]; however a student's primary LEA of enrollment or the Board may allow an eligible student to enroll in additional online courses consistent with Section 53A-15-1204 with documentation from the LEA.
- B. A student enrolled in Program course(s) may earn no more credits in a [semester]year than the number of credits a student may earn by taking a full course load during the regular school day in [a high school classroom]the student's primary school of enrollment.
- [B]C. Eligible students may register for more than two online credits if the student's current SEOP indicates specifically that the student intends to complete high school graduation requirements and exit high school before the rest of the student's high school cohort and the student's schedule demonstrates progress toward early graduation.
- [E]D. Eligible students are expected to complete courses in which they enroll in a timely manner consistent with Section 53A-15-1206. If a student changes his enrollment for any reason, it is the student's/parent's responsibility to notify the Provider immediately.

- [D]E. [An eligible student may not enroll in an online course under the Program for a given semester after the first 10-sehool days of enrollment by the student or within 10 days of student's initial enrollment unless the student does not have a full class—schedule—at—the—student's—primary—school—of—enrollment.]Students should enroll in online courses, or declare an intention to enroll, during the high school course registration period designated by the LEA for regular course registration.
- F. A student may alter a course schedule by dropping a traditional course and adding an online course by primary school of enrollment's same established deadline for dropping and adding traditional courses.
- G. Notwithstanding this, an underenrolled student may enroll in an online course at any time during a calendar year. If this occurs, the primary school of enrollment may immediately claim the student for the adjusted portion of enrollment.

R277-726-5. LEA Requirements and Responsibilities.

- A. A primary school of enrollment shall facilitate student enrollment with any and all eligible Providers selected by eligible students consistent with course credit limits.
- B. A primary school of enrollment<u>or a Provider LEA</u> shall use the CCA form, records and processes provided by the USOE for the Program. A school counselor<u>or a Provider</u> shall use a separate form for each course selected by parent/student.
- C. A primary school <u>or LEA</u> of enrollment shall provide information about available online courses and programs in registration materials or through other reasonable communication and on the LEA's or school's website or using a link to the USOE's website.
- D. A primary school of enrollment shall include a student's online courses in student's enrollment records and, upon course completion, include online course grades and credits on student transcripts.

R277-726-6. State Board of Education (Board) Requirements and Responsibilities.

- A. The Board shall develop and provide a website for the Program that provides information required under Section 53A-15-1212 and other information as determined by the Board.
- B. The Board shall direct Providers to administer statedesignated assessments consistent with R277-404 and R277-473 for identified courses using LEA-adopted and state-approved assessments
- C. The Board may determine space available standards and appropriate course load standards for online courses consistent with Sections 53A-15-1006(2) and 53A-15-12[04(1)(b)]08(3)(d). Course load standards may differ based on subject matter and differing accreditation standards.
- D. The Board shall withhold funds from primary LEAs of enrollment and make payments to Providers consistent with Sections 53A-15-1206, 1206.5 and 1207.
- E. The Board shall establish an appeals process for students who request more than two online courses in the 2011-2012 school year and who are first denied by their primary LEA or school of enrollment.
- F. The Board may refuse to provide funds under a CCA if the Board finds that information has been submitted fraudulently or

in violation of the law or Board requirements by any of the parties to a CCA.

- G. The USOE or the Board's designee shall receive, investigate complaints and impose sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment fraud or inaccuracy, or violations of the law or this rule specific to the requirements and provisions of this Program.
- H. If a Board investigation finds that a Provider has violated IDEA or Section 504 provisions for students taking online courses, the Provider shall compensate the student's primary LEA of enrollment for all costs related to compliance.
- I. The USOE may audit, at the Board's sole discretion, an LEA's or Program participant's compliance with any requirement of state or federal law or Board rule under the Program. All participants shall provide timely access to all records, student information, financial data or other information requested by the Board, the Board's auditors, the Superintendent or the Superintendent's designee upon request.
- J. The Board may impose penalties, withhold funds, or sanction Program participants for participants' failure to comply with reasonable requests for records or information.
- K. All records related to the Program that do not disclose protected student information are public records and shall be available upon request under Section 63G-2-301or 63G-2-305.

R277-726-7. Provider Requirements and Responsibilities.

- A. Providers shall administer state-designated assessments as directed by the Board, including proctoring, consistent with Section 53A-15-1211 and R277-473. Providers shall pay administrative and proctoring costs for all state-designated assessments.
- B. Providers shall provide parents/students with email and telephone contacts for the [p]Provider during regular business hours in order to facilitate parent information.
- C. Providers and third parties working with Providers shall satisfy all Board requirements for consistency with course curriculum, criminal background checks for Provider employees, documentation of student enrollment and participation and compliance with IDEA, Section 504, and requirements for ELL students for all eligible students.
- D. Providers shall receive payments for students properly enrolled in the Program from the USOE consistent with Board procedures, timelines and Sections 53A-15-1206, 53A-15-1206.5, 53A-15-1207 and 53A-15-1208.
- E. Providers may charge fees consistent with other secondary schools. If the Provider intends to charge fees, the Provider:
- (1) shall notify the primary school of enrollment with whom the Provider has the CCA of the purpose for fees, amounts of fees, and provide timely notice to parents of required fees and fee waiver opportunities, and post fees on Provider website.
- (2) shall be responsible for fee waivers for eligible students, including all materials for students designated fee waiver eligible by a student's primary school of enrollment.
- F. Providers shall maintain student records and comply with the federal Family Educational Rights and Privacy Act, including protecting the confidentiality of student records and providing parents and eligible students access to records.

- G. Except as provided in R277-726-8A, the Provider shall submit a student's credit and grade within 30 days after a student satisfactorily completes an online semester course to the USOE, primary school of enrollment, and parent(s).
- H. Providers shall not withhold students' credits, grades, or transcripts from students, parents or students' schools of enrollment for any reason.
- I. If a Provider desires to suspend a student from an online course for disciplinary reasons, the Provider is responsible for all student due process procedures, including the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. 1400 and Section 504 of the Rehabilitation Act of 1973. If a student is suspended for more than 10 days, the Provider shall notify the USOE of a withdrawal.
- J. Providers shall provide to the USOE a list of course options using the USOE-provided course codes (all courses shall be coded as semester courses). Course offerings shall be updated in January and August annually.
- K. Providers shall serve all students on a first-come-first-served basis who desire to take courses and who are designated eligible by a primary school of enrollment if desired courses have space available.
- L. Providers shall provide all records maintained as part of a public online school or program, including financial and enrollment records, and information for accountability and audit purposes upon request by the USOE, and the Provider's external auditor(s).
- M. Providers shall maintain documentation of student work, including dates of submission, for Program audit purposes.
- N. Providers are primarily responsible for complete and timely submissions of record changes to executed CCAs and submission of other reports and records as required by the USOE.
- O. Providers shall inform students and parents of expectations for active participation in course work.
- P. LEAs may participate in the Program as Providers by offering schools or programs or both to Utah students in grades 9-12 who are not resident students of the LEA consistent with Section 53A-15-1205(3).
 - Q. Program schools or programs:
- (1) shall be accredited by the Northwest Accreditation Commission consistent with R277-413;
- (2) shall have a designated administrator who meets the requirements of Section 53A-6-110 or Section 53A-1a-512(5);
- (3) shall ensure that students who qualify for fee waivers shall receive all services offered by and through the public schools consistent with Section 53A-12-103 and R277-407;
- (4) shall maintain student records consistent with the federal Family Educational Rights and Privacy Act, 34 CFR Part 99; and
- (5) shall offer course work aligned with Utah Core standards, course requirements, and the provisions of R277-700 and R277-404, and R277-473.
- R. LEAs that offer online programs or schools as Providers under the Program:
- (1) shall employ only licensed Utah educators as teachers;
- (2) shall not employ individuals whose educator licenses have been suspended or revoked;

- (3) shall require all employees to meet requirements of Section 53A-3-410 and R277-516 prior to the Provider offering services to students;
- (4) shall only employ teachers who meet the requirements of R277-510, Educator Licensing Highly Qualified Assignment;
- (5) shall agree to administer and have the capacity to carry out state-designated assessments, including proctoring, consistent with Section 53A-15-1210(2), R277-404 and R277-473;
- (6) shall provide services to students consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act of 1964 for English Language Learners (ELL):
- (7) shall maintain copies of all CCAs (for audit purposes);
- (8) shall agree that funds shall be withheld by the USOE consistent with Section 53A-15-1206_and 1206.5. A Provider shall cooperate with the USOE in providing timely documentation of student participation, enrollment, and other additional data consistent with Board directives and procedures and as requested; and
- (9) shall ensure that third parties assisting with LEA online schools or programs comply with R277-726-7R, R277-404 and R277-473.
- S. Providers shall post all required information online on their individual websites including required assessment and accountability information.

R277-726-8. Other Information.

- A. Primary schools of enrollment shall set reasonable timelines and standards and Providers shall adhere to timelines and standards for student grades and enrollment in online courses for purposes of:
 - (1) school awards and honors;
- (2) Utah High School Activities Association participation; and
 - (3) high school graduation.
- B. Withholding of the online course payment from a primary LEA of enrollment and payments to the eligible Provider shall occur at the nearest monthly transfer of funds subject to verification of information, in an amount consistent with and at the time a Provider qualifies to receive payment under Section 53A-15-1206(4).
- C. The USOE shall pay the Provider consistent with Minimum School Program funding transfer schedules.
- D. The Superintendent or the Superintendent's designee may make decisions on questions or issues unresolved by Section 53A-15-1002 et seq. or R277-726 on a case-by-case basis. The Superintendent shall report decisions to the Board consistent with the purposes of the law and this rule.

KEY: [public education online program]statewide online education program

Date of Enactment or Last Substantive Amendment: [October 11, 2011] 2012

authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-1210; 53A-15-1213; 53A-1-401(3)

Environmental Quality, Air Quality **R307-101**

General Requirements

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36624
FILED: 08/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are required to conform with S.B. 21, 2012 General Session (Chapter 360, Laws of Utah 2012).

SUMMARY OF THE RULE OR CHANGE: S.B. 21 (2012) gave authority to the Director of the Division of Air Quality to make many regulatory decisions that had previously been made either by the Air Quality Board or by the Executive Secretary for the Air Quality Board. This rule change implements these statutory changes by replacing occurrences of both "executive secretary" and "board" with "director." Definitions are added for "director" and "division." The definition for "executive secretary" is removed.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no anticipated costs or savings to the state budget as this amendment only changes who has authority to make regulatory decisions.
- ♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ SMALL BUSINESSES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons as this amendment only changes who has authority to make regulatory decisions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses as this amendment only changes who has authority to make regulatory decisions.

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

ENVIRONMENTAL QUALITY AIR QUALITY

FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/08/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-101. General Requirements. R307-101-1. Foreword.

Chapter 19-2 and the rules adopted by the Air Quality Board constitute the basis for control of air pollution sources in the state. These rules apply and will be enforced throughout the state, and are recommended for adoption in local jurisdictions where environmental specialists are available to cooperate in implementing rule requirements.

National Ambient Air Quality Standards (NAAQS), National Standards of Performance for New Stationary Sources (NSPS), National Prevention of Significant Deterioration of Air Quality (PSD) standards, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) apply throughout the nation and are legally enforceable in Utah.

R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

- (1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The [Executive Secretary]director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (2) The [Executive Secretary]director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
- (4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual

emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the [executive secretary,]director on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the [executive secretary]director if the [executive secretary]director determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section [$\frac{19-2-102(6)(a)}{19-2-102(8)(a)}$.

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

- (1) Carbon monoxide;
- (2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;
- (3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

- (1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- (2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without

substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air contaminant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Director" means the Director of the Division of Air Quality. See Section 19-1-103(1).

"Division" means the Division of Air Quality.

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

- (1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air contaminant which has been emitted by the source operation, equipment, or control apparatus;
- (2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air contaminant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and
- (3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board, the director or the Administrator, EPA, which limits the quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

["Executive Secretary" means the Executive Secretary of the Board.

] "Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Facility" means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

- (a) The following areas are considered maintenance areas for ozone:
 - (i) Salt Lake County, effective August 18, 1997; and
 - (ii) Davis County, effective August 18, 1997.
- (b) The following areas are considered maintenance areas for carbon monoxide:
 - (i) Salt Lake City, effective March 22, 1999;
 - (ii) Ogden City, effective May 8, 2001; and
 - (iii) Provo City, effective January 3, 2006.
- (c) The following areas are considered maintenance areas for $\mbox{PM10}\colon$
- (i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and
- (ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and
- (iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005
- (d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

- (1) routine maintenance, repair and replacement;
- (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;
- (4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

- (5) use of an alternative fuel or raw material by a source:
- (a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or
 - (b) which the source is otherwise approved to use;
- (6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;
 - (7) any change in ownership at a source
- (8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the [executive secretary]director determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
- (a) when the [executive secretary]director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and
- (b) the [executive secretary]director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.
- (9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:
 - (a) the Utah State Implementation Plan; and
- (b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

- (1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or
- (a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or
- (b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or
- (c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.
- (2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;
- (3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless

the source belongs to one of the following categories of stationary sources:

- (a) Coal cleaning plants (with thermal dryers);
- (b) Kraft pulp mills;
- (c) Portland cement plants;
- (d) Primary zinc smelters;
- (e) Iron and steel mills;
- (f) Primary aluminum or reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
 - (i) Hydrofluoric, sulfuric, or nitric acid plants;
 - (i) Petroleum refineries;
 - (k) Lime plants;
 - (l) Phosphate rock processing plants;
 - (m) Coke oven batteries;
 - (n) Sulfur recovery plants;
 - (o) Carbon black plants (furnace process);
 - (p) Primary lead smelters;
 - (q) Fuel conversion plants;
 - (r) Sintering plants;
 - (s) Secondary metal production plants;
 - (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (w) Taconite ore processing plants;
 - (x) Glass fiber processing plants;
 - (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

- (1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and
- (2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":
- (a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.
- (b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.

- (c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.
- (d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (e) A decrease in actual emissions is creditable only to the extent that:
- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions:
- (ii) It is enforceable at and after the time that actual construction on the particular change begins; and
- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.
- (f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA reference or equivalent method.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere,

undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

- (1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;
- (2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;
- (3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or
- (4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

- (1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;
- (2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for

sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

- (3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and
- (4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.
"Regulated air pollutant" means any of the following:

- (a) Nitrogen oxides or any volatile organic compound;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated;
- (c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;
- (e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:
- (i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;
- (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coalfired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

- (1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.
- (2) The [executive secretary]director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or

change in the method of operation of unit, (or a different consecutive two-year period within 10 years after that change, where the [executive secretary]director determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the [executive secretary]director shall:

- (1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and
- (2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy; Sulfur dioxide: 40 tpy;

PM10: 15 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpv.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV- C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s)(1), effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 2011.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: [April 5,]

Notice of Continuation: July 2, 2009

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

(a)

Environmental Quality, Air Quality **R307-102**

General Requirements: Broadly Applicable Requirements

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36625
FILED: 08/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are required to conform with S.B. 21, 2012 General Session (Chapter 360, Laws of Utah 2012).

SUMMARY OF THE RULE OR CHANGE: S.B. 21 (2012) gave authority to the Director of the Division of Air Quality to make many regulatory decisions that had previously been made either by the Air Quality Board or by the Executive Secretary for the Air Quality Board. This rule change implements these statutory changes by replacing occurrences of both "executive secretary" and "board" with "director."

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104 and Section 19-2-113

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no anticipated costs or savings to the state budget as this amendment only changes who has authority to make regulatory decisions.
- ♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ SMALL BUSINESSES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons as this amendment only changes who has authority to make regulatory decisions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses as this amendment only changes who has authority to make regulatory decisions.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/08/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-102. General Requirements: Broadly Applicable Requirements.

R307-102-1. Air Pollution Prohibited; Periodic Reports Required.

(1) Emission of air contaminants in sufficient quantities to cause air pollution as defined in R307-101-2 is prohibited. The State statute provides for penalties up to \$50,000/day for violation

of State statutes, regulations, rules or standards (See Section 19-2-115 for further details).

(2) Periodic Reports and Availability of Information. The owner or operator of any stationary air contaminant source in Utah shall furnish to the [Board]director the periodic reports required under Section 19-2-104(1)(c) and any other information as the [Board]director may deem necessary to determine whether the source is in compliance with Utah and Federal regulations and standards. The information thus obtained will be correlated with applicable emission standards or limitations and will be available to the public during normal business hours at the Division of Air Ouality.

R307-102-2. Confidentiality of Information.

Any person submitting information pursuant to these regulations may request that such information be treated as a trade secret or on a confidential basis, in which case the [executivesecretary and Board director shall so treat such information. If no claim is made at the time of submission, the [executivesecretary director may make the information available to the public without further notice. Information required to be disclosed to the public under State or Federal law may not be requested to be kept confidential. Justification supporting claims of confidentiality shall be provided at the time of submission on the information. Each page claimed "confidential" shall be marked "confidential business information" by the applicant and the confidential information on each page shall be clearly specified. Claims of confidentiality for the name and address of applicants for an approval order will be denied. Confidential information or any other information or report received by the [executive secretary or Board]director shall be available to EPA upon request and the person who submitted the information shall be notified simultaneously of its release to EPA.

R307-102-3. Reserved.

Reserved.

R307-102-4. Variances Authorized.

- (1) Variance from these regulations may be granted by the Board as provided by law (See Section 19-2-113) unless prohibited by the Clean Air Act:
- (a) to permit operation of an air pollution source for the time period involved in installing or constructing air pollution control equipment in accordance with a compliance schedule negotiated by the [Executive Secretary]director and approved by the Board
- (b) to permit operation of an air pollution source where there is no practicable means known or available for adequate prevention, abatement or control of the air pollutants involved. Such a variance shall be only until the necessary means for prevention, abatement or control becomes known and available, subject to the use of substitute or alternate measures the Board may prescribe.
- (c) to permit operation of an air pollution source where the control measures, because of their extent or cost, must be spread over a considerable period of time.
- (2) Variance requests, as set forth in Section 19-2-113, may be submitted by the owner or operator who is in control of any plant, building, structure, establishment, process or equipment.

R307-102-5. No Reduction in Pay.

In accordance with paragraph 110(a)(6), Clean Air Act as amended August 1977, owners or operators may not temporarily reduce the pay of any employee by reason of the use of a supplemental or intermittent or other dispersion dependent control system for the purposes of meeting any air pollution requirement adopted pursuant to the Clean Air Act as amended August 1977.

R307-102-6. Emissions Standards.

Other provisions of R307 may require more stringent controls than listed herein, in which case those requirements must be met.

KEY: air pollution, confidentiality of information, variances Date of Enactment or Last Substantive Amendment: |December 7, 2000|2012

Notice of Continuation: February 8, 2008

Authorizing, and Implemented or Interpreted Law: 19-2-104;

[63G-4-202;]19-2-113

Environmental Quality, Air Quality **R307-123**

General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36626
FILED: 08/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are required to conform with S.B. 21, 2012 General Session (Chapter 360, Laws of Utah 2012).

SUMMARY OF THE RULE OR CHANGE: S.B. 21 (2012) gave authority to the Director of the Division of Air Quality to make many regulatory decisions that had previously been made either by the Air Quality Board or by the Executive Secretary for the Air Quality Board. This rule change implements these statutory changes by replacing occurrences of both "executive secretary" and "board" with "director."

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-1-401 and Section 19-2-104 and Section 59-10-1009 and Section 59-7-605

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.

- ♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ SMALL BUSINESSES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons as this amendment only changes who has authority to make regulatory decisions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses as this amendment only changes who has authority to make regulatory decisions.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/08/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-123. General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program.

R307-123-1. Authorization and Purpose.

This rule is authorized by Section 19-1-405, which establishes criteria and definitions used to determine eligibility for use of the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403. R307-123 establishes procedures to provide proof of purchase to the Board for an OEM vehicle, or the conversion or retrofit of a vehicle for which a grant or loan made with the monies available in the Fund is allowed under Subsection 19-1-403(2)(a). Eligible technologies are required to meet the criteria and follow the procedures established in R305-4.

R307-123-2. Definitions.

Definitions. The following additional definitions apply to R307-123.

"Certified by the [Board]director" means that:

- (1) A motor vehicle on which conversion equipment has been installed meets the criteria in Subsection 19-1-405(1)(a) and demonstrates a reduction in emissions as defined in Subsection 19-1-405(2); or
- (2) A motor vehicle on which a retrofit has been installed meets the following criteria:
- (a) the motor vehicle's emissions of regulated pollutants, when operating with the retrofit equipment, is less than the emissions were before the installation of the retrofit equipment; and
- (b) a reduction in emissions under Subsection R307-123-2(2)(a)is demonstrated by:
- (i) certification of the retrofit by the federal EPA or by a state whose certification standards are recognized by the Board; or
 - (ii) any other test or standard recognized by the Board.

"Clean fuel" means clean fuel as defined in Subsection 19-1-402(1).

"Clean fuel vehicle" means clean fuel vehicle as defined in Subsection 19-1-402(2).

"Conversion equipment" means a package which may include fuel, ignition, emissions control, and engine components that are modified, removed, or added to a motor vehicle or special mobile equipment to make that vehicle or equipment eligible.

"Manufacturer's Statement of Origin" means a certificate showing the original transfer of a new motor vehicle from the manufacturer to the original purchaser.

"Original equipment manufacturer (OEM) vehicle" means OEM vehicle as defined in Subsection 19-1-402(8).

"Retrofit" means retrofit as defined in Subsection 19-1-402(11).

"Retrofit equipment" means a diesel oxidation catalyst, a diesel particulate filter, or a closed crankcase filtration system, that has been approved for use in engine retrofit programs by the federal EPA or by a state whose testing protocols are recognized by the Board.

R307-123-3. Demonstration of Eligibility for OEM Vehicles.

To demonstrate that a vehicle is eligible, proof of purchase shall be made by submitting the following documentation to the [executive secretary]director:

- (1)(a) A copy of the Manufacturer's Statement of Origin or equivalent manufacturer's documentation showing that the vehicle is an OEM vehicle; or
- (b) a signed statement by an Automotive Service Excellence (ASE) certified technician that includes the vehicle identification number(VIN)and states that the vehicle is an OEM vehicle:
- (2) An original or copy of the purchase order, customer invoice, or receipt including the VIN; and
 - (3) A copy of the current Utah vehicle registration.

R307-123-4. Demonstration of Eligibility for Vehicles Converted to Clean Fuels.

To demonstrate that a conversion of a motor vehicle fueled by clean fuel is eligible, proof of purchase shall be made by submitting the following documentation to the [executive—secretary]director:

- (1) the VIN;
- (2) the fuel type before conversion;
- (3) the fuel type after conversion;
- (4)(a) If the vehicle is registered within a county with an inspection and maintenance (I/M) program, a copy of the vehicle inspection report from an approved station showing that the converted clean fuel vehicle meets all county emissions requirements for all installed fuel systems; or
- (b) in all other areas of the State a signed statement by an ASE certified technician that includes the VIN and states that the conversion is functional:
 - (5) each of the following:
 - (a) the conversion equipment manufacturer,
 - (b) the conversion equipment model number,
 - (c) the date of the conversion, and
- (d) the name, address, and phone number of the person that converted the vehicle;
- (6) proof that the conversion is certified by the [Board]director;
- (7) an original or copy of the purchase order, customer invoice, or receipt; and
- (8) a copy of the current Utah vehicle registration, which shows that the vehicle is registered in the applicant's name.

R307-123-5. Demonstration of Eligibility for Retrofitted Vehicles.

To demonstrate that a retrofit of a motor vehicle is eligible, proof of purchase shall be made by submitting the following documentation to the [executive secretary]director:

- (1) the VIN;
- (2) each of the following:
- (a) the retrofit equipment manufacturer,
- (b) the retrofit equipment model number,
- (c) the date of the retrofit, and
- (d) the name, address, and phone number of the person that retrofitted the vehicle;
- (5) proof that the retrofit is certified by the [Board]director;
- (6) an original or copy of the purchase order, customer invoice, or receipt; and
 - (7) a copy of the current Utah vehicle registration.

KEY: air pollution, alternative fuels, grants and loans, motor vehicles

Date of Enactment or Last Substantive Amendment: [October 8, 2008] 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-1-401; 59-7-605; 59-10-1009

Environmental Quality, Air Quality **R307-135**

Enforcement Response Policy for Asbestos Hazard Emergency Response Act

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36627
FILED: 08/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are required to conform with S.B. 21, 2012 General Session (Chapter 360, Laws of Utah 2012).

SUMMARY OF THE RULE OR CHANGE: S.B. 21 (2012) gave authority to the Director of the Division of Air Quality to make many regulatory decisions that had previously been made either by the Air Quality Board or by the Executive Secretary for the Air Quality Board. This rule change implements these statutory changes by replacing occurrences of both "executive secretary" and "board" with "director."

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-115 and Section 19-2-116 and Section 19-2-117 and Subsection 19-2-104(1)(d)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ SMALL BUSINESSES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons as this amendment only changes who has authority to make regulatory decisions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses as this amendment only changes who has authority to make regulatory decisions.

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

ENVIRONMENTAL QUALITY
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195 N 1950 W
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DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/08/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act.

R307-135-1. AHERA Penalty Policy Definitions.

The following additional definitions apply to R307-135:

"AHERA" means the federal Asbestos Hazard Emergency Response Act of 1986 and 40 CFR Part 763, Subpart E, Asbestos-Containing Materials in Schools.

"Local Education Agency" means:

- (1) any local education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381),
- (2) the owner of any nonpublic, nonprofit elementary or secondary school building, or
- (3) the governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).
- "Other Person" means any nonprofit school that does not own its own building, or any employee or designated person of a Local Education Agency who violates the AHERA regulations, or any person other than the Local Education Agency who:
- (1) inspects the property of Local Education Agencies for asbestos-containing building materials for the purpose of the Local Education Agency's AHERA inspection requirements;
- (2) prepares management plans for the purpose of the Local Education Agency's AHERA management plan requirements;
- (3) designs or conducts response actions at Local Education Agency properties;
- (4) analyzes bulk samples or air samples for the purpose of the compliance of the Local Education Agency with the AHERA requirements; or
- (5) contracts with the Local Education Agency to perform any other AHERA-related function.

"Private Nonprofit School" means any nonpublic, nonprofit elementary or secondary school.

R307-135-2. Assessing Penalties Against a Local Education Agency.

- (1) A Notice of Noncompliance may be issued to a Local Education Agency for a violation of AHERA. After a Notice of Noncompliance has been issued, the Local Education Agency must submit documentation to the [executive secretary]director within 60 days demonstrating that the violations listed in the Notice of Noncompliance have been corrected. Failure to submit complete documentation within 60 days is a violation of this rule.
- (2) A Notice of Violation may be issued to a Local Education Agency for:
- (a) first-time level 1 or 2 violations as specified in R307-135-5,
- (b) subsequent level 3, 4, 5, or 6 violations as specified in R307-135-5,
- (c) failure to inspect and submit a management plan within 60 days of issuance of a Notice of Noncompliance,
- (d) not conducting an inspection and/or submitting a plan by the statutory deadline after non-compliance has been verified by an authorized agent of the [executive secretary]
- (3) In accordance with Section 19-2-115, and with Section 207(a) of AHERA, the maximum penalty that may be assessed against a Local Education Agency for any and all violations in a single school building is \$5,000 per day. Total penalties for a single school building which exceed \$5,000 per day are to be reduced to \$5,000 per day.
- (4) Violations of AHERA by a Local Education Agency will be considered one-day violations, except that, in cases in which a Local Education Agency violates AHERA regulations after a Notice of Violation has been issued, additional penalties may be assessed on a per-day basis and injunctive relief may be sought.
- (5) The [Board]director may use discretion in assessing penalties. The base penalty shall be determined by assessing the circumstances and the extent of the violation, as specified in R307-135-5.
- (6) In determining adjustments to a base penalty assessed against a Local Education Agency in accordance with R307-135-5, the [Board]director may consider the culpability of the violator, including any history of non-compliance; ability to pay the penalty; ability to continue to provide educational services to the community; and the violator's good faith efforts to comply or lack of good faith.
- (a) If it can be shown that the Local Education Agency did not know of its AHERA responsibilities, or if the violations are voluntarily disclosed by the Local Education Agency, or if the Local Education Agency did not have control over the violations, the penalty may be reduced by 25%.
- (b) If violations are voluntarily disclosed by the Local Education Agency within 30 days of discovery, the penalty will be reduced by an additional 25%.
- (c) If it can be shown that the Local Education Agency made reasonable efforts to assure compliance, the Notice of Violation may be eliminated.
- (d) If the Local Education Agency has a demonstrated history of violations, the penalty may be increased.
- (e) The attitude of the violator may be considered in increasing or decreasing the penalty by 15%.

- (7) Civil penalties collected against a Local Education Agency shall be used by that Local Education Agency for the purposes of complying with AHERA. The [executive—secretary]director will defer payment of the penalty until the Local Education Agency has completed the requirements in the compliance schedule by the deadline in the schedule. When the compliance schedule expires, the Local Education Agency must present the [executive secretary]director with a strict accounting of the cost of compliance in the form of notarized receipts, an independent accounting, or equivalent proof.
- (8) If the cost of compliance equals or exceeds the amount of the civil penalty, the Local Education Agency will not be required to pay any money. If the cost of compliance is less than the amount of the penalty, the Local Education Agency shall pay the difference to the Asbestos Trust Fund.

R307-135-3. Assessing Penalties Against Other Persons.

- (1) In accordance with Section 19-2-115, the [Board]director may assess and collect civil penalties of up to \$10,000 per day for each violation from Other Persons who violate the AHERA regulations. The penalties will be issued against the company, if there is one. Generally penalties which exceed \$10,000 per day in a single school building are to be reduced to \$10,000 per day.
- (2) Criminal penalties for willful violations of up to \$25,000 may be assessed against Other Persons. All penalties assessed against Other Persons are to be sent to the Division for the State General Fund.
- (3) The base penalty shall be determined by assessing the circumstances and the extent of the violation, as specified in R307-135-5.
- (4) The [Board]director may show discretion in making adjustments to the gravity-based penalty considering factors such as culpability of the Other Person, including a history of such violations; the Other Person's ability to pay; the Other Person's ability to stay in business; and other matters as justice may require, such as voluntary disclosure and attitude of the violator.
- (5) The maximum penalty that may be assessed is \$10,000, per day, per violation, except that a knowing or willful violation of the regulations may be assessed at \$25,000, per day.
- (6) If the Other Person continues to violate after a Notice of Violation has been issued, the Notice of Violation may be amended and additional penalties assessed. Injunctive relief, criminal penalties and per-day penalties may also be pursued.
- (7) Penalties for a first-time violation may be remitted if the Other Person corrects the violations in all schools in which the Other Person has and may have violated. In some cases of unknowing violations by an Other Person who is not typically involved with asbestos, some or all of the penalty may be remitted if the Other Person takes mandatory AHERA training.

R307-135-4. Penalties Against Private Nonprofit Schools.

(1) The owner of the building that contains a private nonprofit elementary school is considered a Local Education Agency. If the private non-profit school does not own its own building, it is considered an Other Person and will be treated as such.

(2) The school is liable for up to \$5,000, per day, per violation of AHERA, and penalties may be returned to the school for the purposes of complying with AHERA. The owner of the private nonprofit school building will be assessed penalties in the same manner as other Local Education Agencies.

R307-135-5. [Air Quality Board | AHERA Enforcement Response Policy Penalties.

- (1) Gravity Based Penalty. A base penalty based on the gravity of the violation will be determined by addressing the circumstances and the extent of the violation. Table 1 specifies penalties for Local Education agencies and Table 2 specifies penalties for Other Persons.
- (2) Circumstances. The circumstances reflect the probability that harm will result from a particular violation. The probability of harm increases as the potential for environmental harm or asbestos exposure to school children and employees increases. Tables 1 and 2 provide the following levels for measuring circumstances:
- (a) Levels 1 and 2 (High): It is probable that the violation will cause harm.
- (b) Levels 3 and 4 (Medium): There is a significant chance the violation will cause harm.
- (c) Levels 5 and 6 (Low): There is a small chance the violation will result in harm.
- (3) The circumstance levels that are to be attached for each provision of AHERA may be found in Appendix A (Local Education Agency violations) and Appendix B (Other Person violations) of EPA's AHERA Enforcement Response Policy.
- (4) Extent. The extent reflects the potential harm caused by a violation. Harm is determined by the quantity of asbestoscontaining building materials involved in the violation through inspection, removal, enclosure, encapsulation, or repair in violation of the regulation.
- (5) For the purposes of this Enforcement Response Policy, the extent levels are specified in Tables 1 and 2 and are as follows:
- (a) Major: violations involving more than 3,000 square feet or 1,000 linear feet of ACBM.
- (b) Significant: violations involving more than 160 square feet or 260 linear feet but less than or equal to 3,000 square feet or 1,000 linear feet.
- (c) Minor: violations involving less than or equal to 160 square feet or 260 linear feet.
- (6) In situations where the quantity of asbestos involved in the AHERA violation cannot be readily determined, the base penalty will generally be calculated using the major extent category.

TABLE 1

BASE PENALTY FOR LOCAL EDUCATION AGENCIES

CIRCUMSTANCES			EXIENI			
(Levels)		Α	В	С		
		MAJOR	SIGNIFICANT	MINOR		
High Range	1	\$5,000	\$3,400	\$1,000		
	2	\$4,000	\$2,400	\$ 600		
Mid Range	3	\$3,000	\$2,000	\$ 300*		
	4	\$2,000	\$1,200	\$ 200*		

Low Range	5	\$1,000	\$	600	\$	100*
	6	\$ 400*	¢	260*	¢	//O*

*Issue Notices of Noncompliance for the first citation of violations that fall within these cells if that is the only violation

TABLE 2
BASE PENALTY FOR OTHER PERSONS

CIRCUMSTA	INCES	EXTENT		
(Levels)		Α	В	С
		MAJOR	SIGNIFICANT	MINOR
High Range	1	\$10,000	\$6,800	\$2,000
	2	\$ 8,000	\$4,800	\$1,200
Mid Range	3	\$ 6,000	\$4,000	\$ 600
	4	\$ 4,000	\$2,800	\$ 400
Low Range	5	\$ 2,000	\$1,200	\$ 200
	6	\$ 800	\$ 520	\$ 80

R307-135-6. Injunctive Relief.

CIDCUMCTANCE

- (1) In accordance with Sections 19-2-116 and 117, the [Board]director may seek injunctive relief:
- (a) in cases of imminent and substantial endangerment to human health and environment;
- (b) where a Local Education Agency's non-compliance will significantly undermine the intent of the AHERA regulations; and
 - (c) for violations including, but not limited to:
- (i) failure or refusal to make a management plan available to the public without cost or restriction;
- (ii) failure or refusal to conduct legally sufficient air monitoring following a response action; or
- (iii) the initiation of a response action without accredited personnel; or
- (d) to restrain any violation of Title 19, Chapter 2 or R307 or any final order issued by the [Board, the executive-secretary]director when it appears to be necessary for the protection of health or welfare.

R307-135-7. Criminal Penalties.

In accordance with Section 19-2-115, knowing, willful, or continuing violations of AHERA regulation by a Local Education Agency, Local Education Agency employee, or Other Person will be referred to the Office of the Attorney General. Knowing, willful, or continuing violations may result in the issuance of a criminal penalty of \$25,000 per day, per violation for such violations.

KEY: air pollution, hazardous pollutant, asbestos, schools Date of Enactment or Last Substantive Amendment: |September 15, 1998|2012

Notice of Continuation: February 1, 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (d); 19-2-115; 19-2-116; 19-2-117

Environmental Quality, Air Quality **R307-307**

Davis, Salt Lake, and Utah Counties: Road Salting and Sanding

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36628
FILED: 08/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are required to conform with S.B. 21, 2012 General Session (Chapter 360, Laws of Utah 2012).

SUMMARY OF THE RULE OR CHANGE: S.B. 21 (2012) gave authority to the Director of the Division of Air Quality to make many regulatory decisions that had previously been made either by the Air Quality Board or by the Executive Secretary for the Air Quality Board. This rule change implements these statutory changes by replacing occurrences of both "executive secretary" and "board" with "director."

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ SMALL BUSINESSES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings as this amendment only changes who has authority to make regulatory decisions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons as this amendment only changes who has authority to make regulatory decisions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses as this amendment only changes who has authority to make regulatory decisions.

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

AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/08/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-307. Davis, Salt Lake, and Utah Counties: Road Salting and Sanding.

R307-307-1. Records.

Any person who applies salt, crushed slag, or sand to roads in Salt Lake, Davis or Utah Counties shall maintain records of the material applied. For salt, the records shall include the quantity applied, the percent by weight of insoluble solids in the salt, and the percentage of the material that is sodium chloride. For sand or crushed slag the records shall include the quantity applied and the percent by weight of fine material which passes the number 200 sieve in a standard gradation analysis. All records shall be maintained for a period of at least two years, and the records shall be made available to the [Executive Secretary]director or [his]the director's designated representative upon request.

R307-307-2. Content.

After October 1, 1993, any salt applied to roads in Salt Lake, Davis, or Utah Counties must be at least 92% sodium chloride (NaCl).

R307-307-3. Alternatives.

- (1) After October 1, 1993, any person who applies crushed slag, sand, or salt that is less than 92% sodium chloride to roads in Salt Lake, Davis, or Utah Counties must either:
- (a) demonstrate to the [Board]director that the material applied has no more PM10 emissions than salt which is at least 92% sodium chloride; or
- (b) vacuum sweep every arterial roadway (principle and minor) to which the material was applied within three days of the end of the storm for which the application was made. For the purpose of this rule, the term "arterial roadway" shall have the meaning outlined in U.S. DOT Federal Highway Administration Publication No. FHWA-ED-90-006, Revised March 1989, "Highway Functional Classification: Concepts, Criteria, and Procedures" as interpreted by Utah Department of Transportation and shown in the following maps: Salt Lake Urbanized Area, Provo-Orem Urbanized Area, and Ogden Urbanized Area (1992 or later).

(2) In the interest of public safety, any person who applies crushed slag and/or sand to arterial roadways because salt alone would not ensure safe driving conditions due to steepness of grade, extreme weather, or other reasons, may petition the Board for a variance from the sweeping requirements in (1)(b) above. Specifically excluded from these sweeping requirements are all canyon roads and the portion of Interstate 15 near Point of the Mountain.

KEY: air pollution, roads, particulate

Date of Enactment or Last Substantive Amendment: |September 15, 1998|2012

Notice of Continuation: June 2, 2010

Authorizing, and Implemented or Interpreted Law: 19-2-104

Governor, Economic Development, Consumer Health Services R358-1

Electronic Standards for Transmitting Information through the Health Insurance Exchange

NOTICE OF PROPOSED RULE

(New Rule)
DAR FILE NO.: 36634
FILED: 08/09/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish electronic standards for the Health Insurance Exchange and its partners.

SUMMARY OF THE RULE OR CHANGE: The rule outlines technology standards and requirements for the Health Insurance Exchange and its partners.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-1-2506

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule adds no costs nor saves money for the state. It establishes technology standards that prospective partners of the Health Insurance Exchange must meet. Prospective partners will disclose their technology in any request for proposal (RFP) that might be issued, and the Exchange itself will verify whether they meet the requirements.
- ♦ LOCAL GOVERNMENTS: The Health Insurance Exchange is a state entity that does no direct or indirect business with local government. Therefore, no costs or savings will arise with the enactment of this rule.

- ♦ SMALL BUSINESSES: The Health Insurance Exchange uses industry-standard technology and security requirements. Any business that is qualified to contract with the Exchange will use the same or better standards and requirements. Therefore, it will not cost them anything to conduct business with the Exchange.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The rule exists solely to set an electronic standard for Health Insurance Exchange partners to use when transmitting health information between their systems and the Exchange. Persons who are not partners of the Health Insurance Exchange will not be affected by the rule and will not experience costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs should not be incurred on the Health Insurance Exchange's behalf for any persons. In some cases, prospective contractors or partners may, at their discretion, upgrade their technology and security standards to meet Exchange requirements. However, these upgrades will benefit their business generally and without specific reference to Exchange operations. Any upgrades they deem necessary will increase their overall competitiveness in the market as a whole and will be a benefit to their operations generally.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is my opinion that filing this rule will have no fiscal impact on Utah's businesses. The rule requires adherence to industry standard technologies and practices, a requirement that the Health Insurance Exchange's partners already meet. No persons covered by the rule must bear new costs, nor will they see new savings.

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

GOVERNOR
ECONOMIC DEVELOPMENT, CONSUMER
HEALTH SERVICES
60 E SOUTH TEMPLE 3RD FLR
SALT LAKE CITY, UT 84111
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Patty Conner by phone at 801-538-8715, or by Internet E-mail at pconner@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: Patty Conner, Director

R358. Governor, Economic Development, Consumer Health Services.

R358-1. Electronic Standards for Transmitting Information through the Health Insurance Exchange.

R358-1-1. Purpose and Authority.

- (1) The purpose of this rule is to establish electronic standards for data transmission and reception through the Health Insurance Exchange.
- (2) This rule is enacted under the authority of Section 63M-1-2506.

R358-1-2. Definitions.

- (1) Technology partner. A Health Insurance Exchange technology partner administers the technology on which the Exchange runs and supports the activities that take place on that technology.
- (2) Financial partner. A Health Insurance Exchange financial partner administers the financial transactions that occur on the Exchange, including invoicing and collection of payments, and the disbursement of funds for services provided.
- (3) Provider partner. A Health Insurance Exchange provider partner is any entity that offers goods or services to consumers through the Exchange system.

R358-1-3. Standards.

- (1) The Office of Consumer Health Services requires that all Exchange technology, financial, and provider partners strive to keep consumer data secure at all times. All partners shall:
- (a) transmit consumer data between the Exchange and all partners via secure file transfer protocol (SFTP);
- (b) keep consumer data encrypted during transmission and while at rest on partner servers; and
- (c) establish security profiles to provide leveled access to the minimum allowable data.

R358-1-4. HIPAA Compliance.

(1) The Office of Consumer Health Services requires that all Exchange technology and provider partners comply with the Health Insurance Portability and Accountability Act (HIPAA).

R358-1-5. Quality Control Process.

- (1) Because security is integral to Health Insurance Exchange operations, the Office of Consumer Health Services shall:
- (a) conduct periodic security audits to ensure the strength of the above standards as performed by all partners; and
- (b) perform risk assessments across all partners, technologies, and platforms when implementing new enhancements or services.

KEY: data standards, Health Insurance Exchange, consumer health, health insurance

Date of Enactment or Last Substantive Amendment: 2012

Authorizing, and Implemented or Interpreted Law: 63M-12506

Insurance, Administration **R590-133**

Variable Contracts

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36633
FILED: 08/09/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason this rule is being changed is to remove the word "consultant" from the definition of a "Variable contract producer" and from the "Licensing of Variable Contract Producers" section. This rule is intended to focus on the sale of variable contracts by producers and agents. Since consultants cannot sell insurance the reference to them is being removed. By doing this the rule will more closely follow the National Association of Insurance Commissioner's (NAIC) Model Regulation that most states follow. The change will not affect what producers and consultants are doing in regards to variable contracts.

SUMMARY OF THE RULE OR CHANGE: Changes being made to the rule include elimination of the term "consultant," and elimination of the "Enforcement Date" section since there will be no delay in the enforcement of the changes once they become effective.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 31A-2-201(3) and Subsection 31A-20-106(1)(b)(ii)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule will have no fiscal impact on the department or the state budget or their workload. No additional filings or regulatory action will be required. The changes simply eliminate from the rule a term that does not apply to the sale of variable contracts.
- ♦ LOCAL GOVERNMENTS: This rule will have no fiscal impact on local governments since it deals solely with the relationship between the department and its licensees.
- ♦ SMALL BUSINESSES: The changes to this rule will have no fiscal impact on licensees or other related businesses since it is merely taking out a word that does not relate to the sale of variable contracts. The rule deals with the sale of variable contracts, not to consultations related to them.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The changes to this rule will have no fiscal impact on licensees or other related businesses since it is merely taking out a word that does not relate to the sale of variable contracts. The rule deals with the sale of variable contracts, not to consultations related to them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule will have no fiscal impact on licensees or other related businesses since it is merely taking out a word that does not relate to the sale of variable contracts. The rule deals with the sale of variable contracts, not to consultations related to them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses.

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

INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration. R590-133. Variable Contracts. R590-133-1. Authority.

This rule is adopted pursuant to Subsection 31A-2-201(3) which authorizes rules to implement Title 31A and Subsection 31A-20-106(1)(b)(ii) that gives the commissioner authority to regulate by rulemaking the issuance and sale of variable contracts.

R590-133-2. Definition.

In addition to the definitions of Section 31A-1-301, the following definitions shall apply for the purposes of this rule:

- A. "Variable contract," means a policy or contract that provides life insurance or annuity benefits that may vary according to the investment experience of any separate account or accounts maintained by the insurer as to the policy or contract, as provided for in Sections 31A-5-217 and 31A-18-102.
- B. "Variable contract producer," means a licensed producer [or licensed consultant-] with a variable contracts line of authority.

R590-133-3. Qualification of Insurers to Issue Variable Contracts.

No insurer may deliver or issue for delivery a variable contract within this state unless the insurer is licensed to do a variable life, annuity, or both, business in this state in accordance with Section 31A-20-106.

R590-133-4. Governance of Separate Accounts.

All separate accounts shall be governed specifically by Sections 31A-5-217; 31A-5-217.5; 31A-18-102; 31A-20-106; 31A-21-301 and 31A-22-411 and this rule. They shall be governed generally by the provisions of the code applicable to life insurance companies not explicitly exempted by the code.

R590-133-5. Required Reports.

- A. An insurer issuing an individual variable contract providing benefits in variable amounts shall mail to the contract holder at least once in each contract year after the first at the last address known to the insurer, a statement or statements reporting the investments held in the separate account.
- B. The insurer shall submit annually to the commissioner a statement of the business of its separate account or accounts in a form as may be prescribed by the National Association of Insurance Commissioners.
- C. An insurer issuing an individual variable contract shall mail to the contract holder, at least once in each contract year after the first, at the last address known to the insurer, a statement reporting as of a date not more than four months previous to the date of mailing:
- (1) in the case of an annuity contract under which payments have not yet commenced:
- (a) the number of accumulation units credited to the contract and the dollar value of a unit; or
 - (b) the value of the contract holder's account; and
- (2) in the case of a life insurance policy, the dollar amount of the death benefit.

R590-133-6. Foreign Insurers.

If the law or rule in the place of domicile of a foreign insurer provides a degree of protection to the contract holders and the public that is substantially equal to that provided by this rule, the commissioner, to the extent deemed appropriate in the commissioner's discretion, may consider compliance with the law or rule as compliance with this rule.

R590-133-7. Licensing of Variable Contract Producers.

- [{]A[}]. No producer [or consultant] is eligible to sell, offer for sale, or make a recommendation to purchase or terminate a variable contract unless licensed as a variable contract producer prior to making a solicitation, sale, or recommendation.
- [{]B[}]. The licensing as a variable contract producer may not become effective until satisfactorily completing the following requirements:
 - (1) be licensed in the line of life insurance;
- (2) evidence that the applicant has previously passed Financial Industry Regulatory Authority examinations series six or seven and 63. Approval of registration to take the examinations is not acceptable;
- (3) evidence of being Utah approved from the Financial Industry Regulatory Authority, Central Registration Depository;
- (4) if the applicant is a non-resident, requirements of the state of domicile may be acceptable; and
- (5) every application for a license as a variable contract producer shall be accompanied by the appropriate fee designated in the fee schedule adopted by the legislature.

R590-133-8. Additional Provisions Applicable to Variable Contract Producers.

- A. A_person licensed in this state as a variable contract producer shall immediately report to the commissioner:
- (1) any suspension or revocation of the variable contract producer's license or life insurance producer's license in any other state or territory of the United States;
- (2) the imposition of any disciplinary sanction imposed upon the producer by any national securities exchange, or national securities association, or any federal, or state or territorial agency with jurisdiction over securities or contracts on a variable basis;
- (3) any judgment or injunction entered against the producer on the basis of conduct deemed to have involved fraud, deceit, misrepresentation, or violation of any insurance or securities law or rule.
- B. The commissioner may reject any application or suspend or revoke or refuse to renew any variable contract producer's license upon any ground that would bar the application or the producer from being licensed to sell life insurance contracts in this state. The statutes governing any proceeding relating to the suspension or revocation of a life insurance producer's license shall also govern any proceeding for suspension or revocation of a variable contract producer's license.
- C. Renewal of a variable contract producer's license shall follow the same procedure established for renewal of a life insurance producer's license.

R590-133-9. Disclosure.

- [{]A[}]. The following information shall be furnished to an applicant for a variable contract prior to execution of the application:
- (1) a summary description of the insurer and its principal activities:
- (2) a summary explanation in non-technical terms of the principal variable features of the contract and of the manner in which any variable benefits reflect the investment experience of a separate account;
- (3) a brief description of the investment policy for the separate account with respect to the contract;
- (4) a list of investments in the separate account as of a date not earlier than the end of the last year for which an annual statement has been filed with the commissioner of the state of domicile; and
- (5) summary financial statements of the insurer and the separate account based upon the last annual statement filed with the commissioner, except that for a period of four months after the filing of any annual statement, the summary required may be based upon the annual statement immediately preceding the last annual statement filed with the commissioner.
- B. The insurer may include additional information as the insurer deems appropriate.

R590-133-10. Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R590-133-11. [Enforcement Date.

The commissioner will begin enforcing this rule 30 days from the rule's effective date.

R590-133-12. | Severability.

If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provisions may not be affected.

KEY: variable insurance[-law]

Date of Enactment or Last Substantive Amendment: [January

10, 2011]<u>2012</u>

Notice of Continuation: December 22, 2011

Authorizing, and Implemented or Interpreted Law: 31A-2-201;

31A-20-106

Insurance, Administration **R590-167**

Individual, Small Employer, and Group Health Benefit Plan Rule

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36635
FILED: 08/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated as a result of legislative changes in H.B. 2003, Insurance Amendments, passed in the 2011 Second Special Session and H.B. 144, Health System Reform Amendments, passed in the 2012 General Session. Other changes are being made to clarify rate filing procedures, and limit carriers from requesting future trend increases less often than once every 12 months, which will help keep the consumer's premiums rates more closely related to current medical trend.

SUMMARY OF THE RULE OR CHANGE: The changes being submitted: 1) require insurers to submit their rate method changes separate from their rate manual updates which is a rating method change; 2) update the reference to "Subsection 31A-30-106.1(9)" to "(13)" as a result of H.B. 2003; 3) add an allowance for gender rating in Medicare coordination, and wellness programs as a result of legislative changes in H.B. 2003 and H.B. 144; 4) revise age band ratio for 5:1 to reference Subsection 31A-30-1063.1(8) as a result of H.B. 2003; 5) limit health trend increases in a rate manual filing to a maximum period of 12 months; 6) require insurers to submit additional documentation when submitting a rate manual filing including a list of affiliated insurers, class of business definition with approval dates and filing number and additional information required for a effective rate review as required by the federal government; 7) add a requirement that specific items included in a rate manual filing are considered a public record; and 8) eliminate the Enforcement Date section since no waiting period will be required before the changes to this rule will be enforced.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 31A-2-201(3)(a) and Subsection 31A-30-106(1)(k) and Subsection 31A-30-106.1(10)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: It should be noted that there are 40 insurers that sell health benefit plans in Utah. Additional filing fees could result for insurers as a result of the changes in this rule. However, all of them will go to SERFF, a national organization that handles insurance rate filings. All filings are electronic and designated employees in the department will review the additional filings once they are filtered through SERFF. The additional work load will not require additional help or employees.
- ♦ LOCAL GOVERNMENTS: This will not affect local governments since it deals solely with the relationship between the department and its licensees.
- ♦ SMALL BUSINESSES: This rule only impacts insurance companies. It will have no impact, fiscal or otherwise on small employers.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Forty insurers sell health benefit plans in Utah. They are the ones this rule is focused on. Insurers who previously filed their rating method changes and rate manual updates as one filing will now be required to file them separately, which will cost them an additional \$15. Also, health benefit plan insurers will be required to file their Limited Trend Increases for a maximum period of 12 months for a maximum fee of \$15, depending on their filing volume. Insurers who filed them for a longer period of time, say 5 years for \$15 will be required to file at least annually for \$15 each year. These filings are done electronically.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Forty insurers sell health benefit plans in Utah. They are the ones this rule is focused on. Insurers who previously filed their rating method changes and rate manual updates as one filing will now be required to file them separately, which will cost them an additional \$15. Also, health benefit plan insurers will be required to file their Limited Trend Increases for a maximum period of 12 months for a maximum fee of \$15, depending on their filing volume. Insurers who filed them for a longer period of time, say 5 years for \$15 will be required to file at least annually for \$15 each year. These filings are done electronically.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have a minimal impact on health insurers that sell health benefit plans.

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

INSURANCE ADMINISTRATION ROOM 3110 STATE OFFICE BLDG 450 N MAIN ST SALT LAKE CITY, UT 84114-1201 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-167. Individual, Small Employer, and Group Health Benefit Plan Rule.

R590-167-2. Definitions.

In addition to the definitions in Sections 31A-1-301 and 31A-30-103, the following definitions shall apply for the purposes of this rule:

- (1) "Associate member of an employee organization" means any individual who participates in an employee benefit plan, as defined in 29 U.S.C. Section 1002(1), that is a multi-employer plan, as defined in 29 U.S.C. Section 1002(37A), other than the following:
- (a) an individual, or the beneficiary of such individual, who is employed by a participating employer within a bargaining unit covered by at least one of the collective bargaining agreements under or pursuant to which the employee benefit plan is established or maintained: or
- (b) an individual who is a present or former employee, or a beneficiary of such employee, of the sponsoring employee organization, of an employer who is or was a party to at least one of the collective bargaining agreements under or pursuant to which the employee benefit plan is established or maintained, or of the employee benefit plan, or of a related plan.
- (2) "Change in a Rating Factor" means the cumulative change with respect to such factor considered over a 12 month period. If a covered carrier changes rating factors with respect to more than one case characteristic in a 12 month period, the carrier shall consider the cumulative effect of all such changes in applying the 10% test.
 - (3) "Change in Rating Method" means:
- (a) a change in the number of case characteristics used by a covered carrier to determine premium rates for health benefit plans in a class of business;
- (b) a change in the manner or procedures by which insureds are assigned into categories for the purpose of applying a case characteristic to determine premium rates for health benefit plans in a class of business;
- (c) a change in the method of allocating expenses among health benefit plans in a class of business; or
- (d) a change in a rating factor with respect to any case characteristic if the change would produce a change in premium for any individual or small employer that exceeds 10%.
- (4) "New entrant" means an eligible employee, or the dependent of an eligible employee, who becomes part of an

employer group after the initial period for enrollment in a health benefit plan.

- (5) "Risk characteristic" means a rating factor other than a case characteristic allowed under [Sections] 31A-30-106 or 31A-30-106.1, as applicable, including exact age, gender, family composition, the health status, claims experience, duration of coverage, or any similar characteristic related to the demographics or the health status or experience of an individual, a small employer or of any member of a small employer.
- (6) "Risk load" means the percentage above the applicable base premium rate that is charged by a covered carrier to a covered insured to reflect the risk characteristics of the covered individuals.

R590-167-5. Transition for Assumptions of Business from Another Carrier.

- (1)(a) A covered carrier may not transfer or assume the entire insurance obligation, risk, or both of a health benefit plan covering an individual or a small employer in this state unless:
- (i) the transaction has been approved by the commissioner of the state of domicile of the assuming carrier;
- (ii) the transaction has been approved by the commissioner of the state of domicile of the ceding carrier;
- (iii) the carrier has provided notice to the commissioner of this state at least 60 days prior to the date of the proposed assumption. The notice shall contain the information specified in Subsection R590-167-5(1)(c)(i) for the health benefit plans covering individuals and small employers in this state; and
- (iv) the transaction otherwise meets the requirements of this section.
- (b) A carrier domiciled in this state that proposes to assume or cede the entire insurance obligation, risk, or both of one or more health benefit plans covering covered individuals from or to another carrier shall make a filing for approval with the commissioner at least 60 days prior to the date of the proposed assumption. The commissioner may approve the transaction, if the commissioner finds that the transaction is in the best interests of the individuals insured under the health benefit plans to be transferred and is consistent with the purposes of the Act and this rule. The commissioner may not approve the transaction until at least 30 days after the date of the filing; except that, if the carrier is in hazardous financial condition, the commissioner may approve the transaction as soon as the commissioner deems reasonable after the filing.
- (c)(i) The filing required under Subsection R590-167-5(1)(b) shall:
- (A) describe the class of business, including any eligibility requirements, of the ceding carrier from which the health benefit plans will be ceded;
- (B) describe whether the assuming carrier intends to maintain the assumed health benefit plans as a separate class of business, pursuant to Subsection R590-167-5(3), or will incorporate them into an existing class of business, pursuant to Subsection R590-167-5(4). If the assumed health benefit plans will be incorporated into an existing class of business, the filing shall describe the class of business of the assuming carrier into which the health benefit plans will be incorporated;
- (C) describe whether the health benefit plans being assumed are currently available for purchase by individuals or small employers;

- (D) describe the potential effect of the assumption, if any, on the benefits provided by the health benefit plans to be assumed;
- (E) describe the potential effect of the assumption, if any, on the premiums for the health benefit plans to be assumed;
- (F) describe any other potential material effects of the assumption on the coverage provided to the individuals and small employers covered by the health benefit plans to be assumed; and
- (G) include any other information required by the commissioner.
- (ii) A covered carrier required to make a filing under Subsection R590-167-5(1)(b) shall also make an informational filing with the commissioner of each state in which there are individual or small employer health benefit plans that would be included in the transaction. The informational filing to each state shall be made concurrently with the filing made under Subsection R590-167-5(1)(b) and shall include at least the information specified in Subsection R590-167-5(1)(c)(i) for the individual or small employer health benefit plans in that state.
- (d)(i) If the assumption of a class of business would result in the assuming covered carrier being out of compliance with the limitations related to premium rates contained in Sections 31A-30-106 or 31A-30-106.1, the assuming carrier shall make a filing with the commissioner pursuant to Subsection 31A-30-105(3) seeking an extended transition period.
- (ii) An assuming carrier seeking an extended transition period may not complete the assumption of health benefit plans covering individuals or small employers in this state unless the commissioner grants the extended transition period requested pursuant to Subsection R590-167-5(1)(d)(i).
- (iii) Unless a different period is approved by the commissioner, an extended transition period shall, with respect to an assumed class of business, be for no more than 15 months and, with respect to each individual small employer, shall last only until the anniversary date of such employer's coverage, except that the period with respect to an individual small employer may be extended beyond its first anniversary date for a period of up to 12 months if the anniversary date occurs within three months of the date of assumption of the class of business.
- (2)(a) Except as provided in Subsection R590-167-5(2) (b), a covered carrier may not cede or assume the entire insurance obligation, risk, or both for an individual or small employer health benefit plan unless the transaction includes the ceding to the assuming carrier of the entire class of business which includes such health benefit plan.
- (b) A covered carrier may cede less than an entire class of business to an assuming carrier if:
- (i) one or more individuals or small employers in the class have exercised their right under contract or state law to reject, either directly or by implication, the ceding of their health benefit plans to another carrier. In that instance, the transaction shall include each health benefit plan in the class of business except those health benefit plans for which an individual or a small employer has rejected the proposed cession; or
- (ii) after a written request from the transferring carrier, the commissioner determines that the transfer of less than the entire class of business is in the best interests of the individual or small employers insured in that class of business.

- (3) A covered carrier that assumes one or more health benefit plans from another carrier and intends to maintain such health benefit plans as a separate class of business, shall submit a filing requesting approval to establish a separate class of business as provided in Subsection R590-167-4(3). The assumption shall not take place prior to approval of the request by the commissioner.
- (4) A covered carrier that assumes one or more health benefit plans from another carrier and intends to incorporate them into an existing class of business shall comply with the following provisions:
- (a) Upon assumption of the health benefit plans, such health benefit plans shall be maintained temporarily as a separate class of business, deemed to be approved by the commissioner under Subsection 31A-30-105(2)(b)(ii). A covered carrier may exceed the limitation contained in Subsection 31A-30-105(4) due solely to such assumption.
- (b) During the 15-month period following the assumption, each of the assumed individual or small employer health benefit plans shall be transferred by the assuming covered carrier into a single class of business operated by the assuming covered carrier. The assuming covered carrier shall select the class of business into which the assumed health benefit plans will be transferred in a manner such that the transfer results in the least possible change to the benefits and rating method of the assumed health benefit plans.
- (c) The transfers authorized in Subsection R590-167-5(4) (b) shall occur with respect to each individual or small employer on the anniversary date of the individual's or small employer's coverage, except that the period with respect to an individual small employer may be extended beyond its first anniversary date for a period of up to 12 months if the anniversary date occurs within three months of the date of assumption of the class of business.
- (d) A covered carrier making a transfer pursuant to Subsection R590-167-5(4)(b) may alter the benefits of the assumed health benefit plans to conform to the benefits currently offered by the carrier in the class of business into which the health benefit plans have been transferred.
- (e) The premium rate for an assumed individual or small employer health benefit plan may not be modified by the assuming covered carrier until the health benefit plan is transferred pursuant to Subsection R590-167-5(4)(b). Upon transfer, the assuming covered carrier shall calculate a new premium rate for the health benefit plan from the rate manual established for the class of business into which the health benefit plan is transferred. In making such calculation, the risk load applied to the health benefit plan shall be no higher than the risk load applicable to such health benefit plan prior to the assumption.
- (f) During the 15 month period provided in this subsection, the transfer of individual or small employer health benefit plans from the assumed class of business in accordance with this subsection may not be considered a violation of Subsections 31A-30-106(3)(a) or 31A-30-106.1(8)(a), as applicable.
- (5) An assuming carrier may not apply eligibility requirements, including minimum participation and contribution requirements, with respect to an assumed health benefit plan, or with respect to any health benefit plan subsequently offered to an individual or small employer covered by such an assumed health benefit plan, that are more stringent than the requirements applicable to such health benefit plan prior to the assumption.

- (6) The commissioner may approve a longer period of transition under Subsection R590-167-5(4) upon application of a covered carrier. The application shall be made within 60 days after the date of assumption of the class of business and shall clearly state the justification for a longer transition period.
 - (7) Nothing in this section or in the Act is intended to:
- (a) reduce or diminish any legal or contractual obligation or requirement, including any obligation provided in Section 31A-14-213, of the ceding or assuming carrier related to the transaction;
- (b) authorize a carrier that is not admitted to transact the business of insurance in this state to offer or insure health benefit plans in this state; or
- (c) reduce or diminish the protections related to an assumption reinsurance transaction provided in Section 31A-14-213 or otherwise provided by law.

R590-167-6. Restrictions Relating to Premium Rates.

- (1) A covered carrier shall develop a separate rate manual for each class of business. Base premium rates and new business premium rates charged to individuals and small employers by the covered carrier shall be computed solely from the applicable rate manual developed pursuant to this subsection. To the extent that a portion of the premium rates charged by a covered carrier is based on the carrier's discretion, the manual shall specify the criteria and factors considered by the carrier in exercising such discretion.
- (2)(a) A covered carrier may not modify the rating method, as defined in Section R590-167-2, used in the rate manual for a class of business until the change has been approved as provided in this subsection. The commissioner may approve a change to a rating method if the commissioner finds that the change is reasonable, actuarially appropriate, and consistent with the purposes of the Act and this rule.
- (b) A carrier may modify the rating method for a class of business only after filing an actuarial certification. The filing shall clearly request approval for a change in rating method and contain at least the following information:
- (i) the reasons the change in rating method is being requested;
- $\hbox{ (ii)} \quad a \ complete \ description \ of \ each \ of \ the \ proposed \\ modifications \ to \ the \ rating \ method; \\$
- (iii) a description of how the change in rating method would affect the premium rates currently charged to individuals and small employers in the class of business, including an estimate from a qualified actuary of the number of groups or individuals, and a description of the types of groups or individuals, whose premium rates may change by more than 10% due to the proposed change in rating method, not including general increases in premium rates applicable to all individuals and small employers in a health benefit plan;
- (iv) a certification from a qualified actuary that the new rating method would be based on objective and credible data and would be actuarially sound and appropriate; [-and]
- (v) a certification from a qualified actuary that the proposed change in rating method would not produce premium rates for individuals and small employers that would be in violation of Sections 31A-30-106, 31A-30-106.1, and 31A-30-106.5[.]; and
- (vi) a request for approval for a change in rating method must be submitted as a separate filing. The filing description must

state in the first line of the first paragraph, "REQUEST FOR APPROVAL FOR CHANGE IN RATING METHOD."

- (3) The rate manual developed pursuant to Subsections 31A-30-106(4), 31A-30-106.1(13)[(9)], and R590-167-6(1) shall specify the case characteristics and rate factors to be applied by the covered carrier in establishing premium rates for the class of business.
- (a) A covered carrier offering a health benefit plan to an individual may not use case characteristics other than those specified in Subsection 31A-30-106(1)(f) without the prior approval of the commissioner. A covered carrier seeking such an approval shall make a filing with the commissioner for a change in rating method under Subsection R590-167-6(2)(b). Tobacco use is not an allowable case characteristic. Tobacco use is an allowable risk characteristic when utilized in compliance with Subsection 31A-30-106(1)(b).
- (b)(i) A covered carrier offering or renewing a health benefit plan to a small employer[-on or after January 1, 2011], may not use case characteristics other than:
- (A) age band, as specified in Subsection 31A-30-106.1(6) (a), applicable to the age of the employee;
 - (B) geographic area;
- (C) family composition tier, as specified in <u>Subsection</u> 31A-30-106.1(6)(c);[-and]
- (D) [for plans issued or renewed on or after July 1, 2011,]gender[—of the employee or the spouse], as specified in in Subsection 31A-30-106.1(6)(d);
- (E) Medicare coordination, as specified in Subsection 31A-30-106.1(6)(e); and
- (F) wellness programs, as specified in Subsection 31A-30-106.1(6)(f).
- (ii) For any geographic area used as a case characteristic by a covered carrier, base rates for any small employer health benefit plan [offered or renewed on or after January 1, 2011–]shall be subject to the following limitations:
- (A) for any age band, the ratio of the base rate for the family tier to the base rate for employee only tier, shall not exceed [-5] the ratio in Subsection 31A-30-106.1(8); and
- (B) for any family composition tier, the ratio of the base rate for any age band to the base rate for "less than 20" age band, may not exceed the following:
 - (I) 1.22 for age band 20 to 24;
 - (II) 1.34 for age band 25 to 29;
 - (III) 1.46 for age band 30 to 34;
 - (IV) 1.60 for age band 35 to 39;
 - (V) 1.80 for age band 40 to 44;
 - (VI) 2.20 for age band 45 to 49;
 - (VII) 2.80 for age band 50 to 54;
 - (VIII) 3.60 for age band 55 to 59;
 - (IX) 4.25 for age band 60 to 64; and
 - (X) 5.00 for age band over 65.
- (c) A covered carrier shall use the same case characteristics in establishing premium rates for each health benefit plan in a class of business and shall apply them in the same manner in establishing premium rates for each such health benefit plan. Case characteristics shall be applied without regard to the risk characteristics of an individual or small employer.
- (d) The rate manual shall clearly illustrate the relationship among the base premium rates charged for each health benefit plan

- in the class of business. If the new business premium rate is different than the base premium rate for a health benefit plan, the rate manual shall illustrate the difference.
- (e) Differences among base premium rates for health benefit plans shall be based solely on the reasonable and objective differences in the design and benefits of the health benefit plans and may not be based in any way on the nature of an individual or small employer that choose or are expected to choose a particular health benefit plan. A covered carrier shall apply case characteristics and rate factors within a class of business in a manner that assures that premium differences among health benefit plans for identical individuals or small employers vary only due to reasonable and objective differences in the design and benefits of the health benefit plans and are not due to the nature of the individuals or small employers that choose or are expected to choose a particular health benefit plan.
- (f) The rate manual shall provide for premium rates to be developed in a two[-]_step process.
- (i) In the first step, a base premium rate shall be developed for the individual or small employer without regard to any risk characteristics. The base rates shall reflect only the allowable case characteristics. The base rates for an individual health benefit plan offered to two individuals with the same case characteristics shall be identical. The base rates for a small employer health benefit plan offered to two small employer groups with the same case characteristics shall be identical.
- (ii) In the second step, the resulting base premium rate may be adjusted by a risk load, subject to the provisions of Sections 31A-30-106, 31A-30-106.1, and 31A-30-106.5, to reflect the risk characteristics.
- (g) Each rate manual developed pursuant to Subsection R590-167-6(1) shall be maintained by the carrier for a period of six years. Updates and changes to the manual shall be maintained with the manual.
- (4)(a) Except as provided in Subsection R590-167-6(4) (b), a premium charged to an individual or small employer for a health benefit plan may not include a separate application fee, underwriting fee, or any other separate fee or charge.
- (b) A carrier may charge a separate fee with respect to an individual or small employer health benefit plan, but only one fee with respect to such plan, provided the fee is no more than \$5 per month per individual or employee and is applied in a uniform manner to each health benefit plan in a class of business.
- (5) The restrictions related to changes in premium rates in Subsections 31A-30-106(1)(c) and 31A-30-106.1(3) shall be applied as follows:
- (a) A covered carrier shall revise its rate manual each rating period to reflect changes in base premium rates and changes in new business premium rates.
- (b)(i) If, for any health benefit plan with respect to any rating period, the percentage change in the new business premium rate is less than or the same as the percentage change in the base premium rate, the change in the new business premium rate shall be deemed to be the change in the base premium rate for the purposes of Subsections 31A-30-106(1)(c) and 31A-30-106.1(3).
- (ii) If, for any health benefit plan with respect to any rating period, the percentage change in the new business premium rate exceeds the percentage change in the base premium rate, the health benefit plan shall be considered a health benefit plan into

which the covered carrier is no longer enrolling new individuals or small employers for the purposes of Subsections 31A-30-106(1)(c) and 31A-30-106.1(3).

- (iii) Trend increases are limited to a 12-month period. If an insurer chooses to use trend in the rate manual, a new filing must be submitted for each 12-month period. The detailing of the rate calculation must specify how trend is being implemented, by plan or calendar year, and how the rates are determined.
- (c) If, for any rating period, the change in the new business premium rate for a health benefit plan differs from the change in the new business premium rate for any other health benefit plan in the same class of business by more than 20%, the carrier shall make a filing with the commissioner containing a complete explanation of how the respective changes in new business premium rates were established and the reason for the difference. The filing shall be made 30 days before the beginning of the rating period.
- (d) A covered carrier shall keep on file for a period of at least six years the calculations used to determine the change in base premium rates and new business premium rates for each health benefit plan for each rating period.
- (6)(a) Except as provided in Subsection R590-167-6(6) (b), a change in premium rate for an individual or small employer shall produce a revised premium rate that is no more than the following:
- (i) the base premium rate for the individual or small employer, as shown in the rate manual as revised for the rating period, multiplied by:
 - (ii) one plus the sum of:
- (iii) the risk load applicable to the individual or small employer during the previous rating period; and
 - (iv) 15% prorated for periods of less than one year.
- (b) In the case of a health benefit plan into which a covered carrier is no longer enrolling new individuals or small employers, a change in premium rate for an individual or small employer shall produce a revised premium rate that is no more than the following:
- (i) the base premium rate for the individual or small employer, given its present composition and as shown in the rate manual in effect for the individual or small employer at the beginning of the previous rating period, multiplied by:
 - (ii) one plus the lesser of:
 - (A) the change in the base rate; or
- (B) the percentage change in the new business premium for the most similar health benefit plan into which the covered carrier is enrolling new individuals or small employers, multiplied by:
 - (iii) one plus the sum of:
- (A) the risk load applicable to the individual or small employer during the previous rating period; and
 - (B) 15%, prorated for periods of less than one year.
- (c) Notwithstanding the provisions of Subsections R590-167-6(6)(a) and (b), a change in premium rate for an individual or small employer may not produce a revised premium rate that would exceed the limitations on rates provided in Subsections 31A-30-106(1)(b) and 31A-30-106.1(2)(b).
- (7)(a) A representative of a Taft Hartley trust, including a carrier upon the written request of such a trust, may file in writing with the commissioner a request for the waiver of application of the

- provisions of Subsections 31A-30-106.1(1) through 31A-30-106.1(6) with respect to such trust.
- (b) A request made under Subsection R590-167-6(7)(a) shall identify the provisions for which the trust is seeking the waiver and shall describe, with respect to each provision, the extent to which application of such provision would:
- (i) adversely affect the participants and beneficiaries of the trust; and
- (ii) require modifications to one or more of the collective bargaining agreements under or pursuant to which the trust was or is established or maintained.
- (c) A waiver granted under Subsection 31A-30-104(5) shall not apply to an individual who participates in the trust because the individual is an associate member of an employee organization or the beneficiary of such an individual.

R590-167-9. Restrictive Riders.

A restrictive rider, endorsement or other provision that violates the provisions of [Subsection]Section 31A-30-107.5 may not remain in force. A covered carrier shall immediately provide written notice to those individuals or small employers whose coverage will be changed pursuant to this section.

R590-167-10. Status of Carriers as Covered Carriers.

- (1) Prior to marketing a health benefit plan, a carrier shall make a filing with the commissioner indicating whether the carrier intends to operate as a covered carrier in this state under the terms of the Act and of this rule. Such filing will indicate if the covered carrier intends to market to individuals, small employers or both, and be signed by an officer of the company.
- (2) Except as provided by Subsection R590-167-10(3), a carrier may not offer health benefit plans to individuals, small employers, or continue to provide coverage under health benefit plans previously issued to individuals or small employers in this state, unless the filing provided pursuant to Subsection R590-167-10(1) indicates that the carrier intends to operate as a covered carrier in this state.
- (3) If a carrier does not intend to operate as a covered carrier in this state, the carrier may continue to provide coverage under health benefit plans previously issued to individuals and small employers in this state only if the carrier complies with the following provisions:
- (a) the carrier complies with the requirements of the Act with respect to each of the health benefit plans previously issued to individuals and small employers by the carrier;
- (b) the carrier provides coverage to each new entrant to a health benefit plan previously issued to an individual or small employer by the carrier;
- (c) the carrier complies with the requirements of Sections 31A-30-106 and 31A-30-106.1 and this rule as they apply to individuals and small employers whose coverage has been terminated by the carrier and to individuals and small employers whose coverage has been limited or restricted by the carrier; and
- (d) the carrier files a letter of intent indicating the carrier does not intend to operate as a covered carrier in this state and will maintain the business in compliance with the Act and this rule.
- (4) If the filing made pursuant Subsection R590-167-10(3) indicates that a carrier does not intend to operate as a covered carrier in this state, the carrier shall be precluded from operating as

a covered carrier in this state, except as provided for in Subsection R590-167-10(3), for a period of five years from the date of the filing. Upon a written request from such a carrier, the commissioner may reduce the period provided for in the previous sentence if the commissioner finds that permitting the carrier to operate as a covered carrier would be in the best interests of the individuals and small employers in the state.

R590-167-11. Actuarial Certification and Additional Filing Requirements.

- (1) Actuarial Certification.
- (a) An actuarial certification shall be filed annually and meet the requirements of Subsections 31A-30-106(4)(b) or 31A-30-106.1(9)(b), or both, as applicable, and the following:
- (i) the actuarial certification shall be a written statement that meets the requirements of Title 31A Chapter 30, R590-167, and the applicable standards of practice as promulgated by the Actuarial Standards Board:
- (ii) the actuary must state that he or she meets the qualifications of Subsection 31A-30-103(1);
 - (iii) the actuarial certification shall:
- (A) contain the following statement: "I, (name), certify that (name of covered carrier) is in compliance with the provisions of Title 31A Chapter 30, and R590-167, based upon the examination of (name of covered carrier), including review of the appropriate records and of the actuarial assumptions and methods utilized by (name of covered carrier) in establishing premium rates for applicable health benefit plans;"[-and]
- (B)[(iv)] [the actuarial certification shall—]list and describe each written demonstration used by the actuary to establish compliance with Title 31A Chapter 30 and R590-167[-]; and
- (C) include a list of all affiliated insurers, define each class of business which includes the commissioner's approval date if more than one class of business exists, and the SERFF filing number for each applicable rate manual filing.
- (b) The actuarial certification shall be filed no later than April 1 of each year.
 - (2) Rating Manual.
- (a) For every health benefit plan subject to the Act and this rule, the carrier shall file with the commissioner a copy of the applicable rating manual, for both new business and renewal rates, which includes:
- (i) signed certification by an actuary that to the best of the actuary's knowledge and judgment the rate filing is in compliance with the applicable laws and rules of the State of Utah;
- (ii) a complete and detailed description of how the final premium, including any fees, is calculated from the rating manual;
- (iii) all changes and updates, which includes a complete and detailed description of how the final premium, including any fees, is calculated from the rating manual; [-and]
- (iv) a description of the carrier's classes of business as described in Subsection R590-167-4(1).
 - (v) all information required by 45 CFR 154.215(b)(1);
- (vi) for a rate increase subject to review as required by 45 CFR 154.200(a)(1), all information required by 45 CFR 154.215(b) (2); and

- (vii) all information required by the Utah Accident and Health Comprehensive Health Insurance Rate Filing Checklist.
 - (b) The rate manual shall be filed:
 - (i) with an initial product filing; or
- (ii) within 30 days prior to use for an existing health benefit plan.
 - (3) Index Premium Rates.
- (a) A small employer carrier shall file annually the index premium rate information required by [Section]Subsection_31A-29-117(2). The report shall include:
- (i) the small employer index premium rate as of January 1 of the previous year;
- (ii) the small employer index premium rate as of January 1 of the current year; and
- (iii) the average percentage change in the index premium rate as of January 1 of the current and preceding year.
- (b) The information described in Subsection R590-167-11(3)(a) shall be filed no later than February 1 of each year.

R590-167-12. Records.

- (1) Except as provided in Subsection R590-167-12(2), records[Records] submitted to the commissioner under this rule shall be maintained by the commissioner as protected records under Title 63G, Chapter 2, Government Records Access and Management Act.
- (2) The commissioner finds the following to be considered a public record as defined in Subsection 63G-2-103:
- (a) the status of a filing described herein and submitted to the department; and
- (b) all information submitted as required by Subsections R590-167-11(2)(v) and (vi), and R590-220-10(2)(b)(iii)(I).

R590-167-13. Penalties.

A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R590-167-14. [Enforcement Date.

The commissioner will begin enforcing the revised-provisions of this rule 45 days after the effective date.

R590-167-15. | Severability.

If any provision of this rule or the application of it to any person or circumstance is, for any reason, held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances will not be affected by the invalid provision.

KEY: health insurance

Date of Enactment or Last Substantive Amendment: [June 15, 2011]2012

Notice of Continuation: September 10, 2009

Authorizing, and Implemented or Interpreted Law: 31A-30-106; 31A-30-106.1

Insurance, Administration **R590-220**

Submission of Accident and Health Insurance Filings

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36656
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to update it to comply with changes made by legislation, by the National Association of Insurance Commissioner (NAIC), and make other updates and corrections deemed necessary.

SUMMARY OF THE RULE OR CHANGE: Changes to the rule include: expansion of rulemaking authority as a result of H.B. 294 (2012 General Session); removing reference to the "basic health care plan" replaced by "term "Utah NetCare Plan" by H.B. 128 (2012 General Session); updated the NAIC Uniform Life, Accident and Heath, Annuity, and Credit Coding Matrix to reflect the current version; provides a process for insurers who want to respond to a Filing Rejection; clarifies the intake survey is only required for form and form/rate filings, and not required for rate or report filings; expands list to reference all current rules applicable to health benefit plans; includes a reference for insurers to complete and submit the company rate information on the Rate/Rule schedule: corrects code cites due to H.B. 294 (2012 General Session); updates the correct division names at the department; and corrects reference for offering long-term care riders are sold with whole life (insurers do not offer long-term care riders with term-life).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-201.1 and Subsection 31A-2-201(3) and Subsection 31A-2-205(4) and Subsection 31A-22-605(4) and Subsection 31A-22-620(3)(f) and Subsections 31A-30-106(1) and (4) and Subsections 31A-30-106.1(13) and (14)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule will not change the costs or savings to the state or department budget. In some instances not as many forms will be required for a company rate or form filing but this will not bring in additional fees but in those situations it will have a minor reduction in forms to be reviewed by staff.
- ♦ LOCAL GOVERNMENTS: This rule will have no fiscal impact on local governments since it deals solely with the relationship between the department and its licensees.
- ♦ SMALL BUSINESSES: This rule affects deals with filings made between accident and health insurance companies and

the department, all of which are large employers. The rule has no effect on small employers.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None of the changes to this rule will have a fiscal impact on accident and health insurers. Two changes may help an insurer's personnel who deal with filings save time. One is the change that limits the forms needed to make a filing and the other is the creation of a process insurers can use to respond when one of their filings has been rejected. Filings are made electronically so there are no paper, storage, or mailing costs incurred during this process. The other changes to this rule update or correct such things as a coding matrix, list of rules associated with company filings, code citations, the department's name and division names, a change to the basic health care plan name.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None of the changes to this rule will have a fiscal impact on accident and health insurers. Two changes may help an insurer's personnel who deal with filings save time. One is the change that limits the forms needed to make a filing and the other is the creation of a process insurers can use to respond when one of their filings has been rejected. Filing are made electronically so there are no paper, storage, or mailing costs incurred during this process. The other changes to this rule update or correct such things as a coding matrix, list of rules associated with company filings, code citations, the department's name and division names, a change to the basic health care plan name.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will essentially have no fiscal impact on businesses.

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

INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-220. Submission of Accident and Health Insurance Filings.

R590-220-1. Authority.

This rule is promulgated by the insurance commissioner pursuant to Section 31A-2-201.1 and Subsections 31A-2-201(3), 31A-2-202(2), 31A-22-605(4), 31A-22-620(3)(f), [and]31A-30-106(1) and (4)[(i) and (k)], and 31A-30-106.1(13) and (14).

R590-220-2. Purpose and Scope.

- (1) The purpose of this rule is to set forth procedures for submitting:
- (a) accident and health filings required by Section 31A-21-201;
- (b) individual accident and health filings in accordance with Section 31A-22-605 and Rule R590-85;
- (c) Medicare supplement filings in accordance with Sections 31A-22-605 and 31A-22-620, and Rules R590-85 and R590-146:
- (d) long term care filings required by Section 31A-22-1404 and Rule R590-148; and
- (e) [basic health care plan filings required by Section 31A-22-613.5 and Rule R590-175; and
- - (2) This rule applies to:
- (a) all types of accident and health insurance products; and
- (b) group accident and health contracts issued to nonresident policyholders, including trusts, when Utah residents are provided coverage by certificates of insurance.

R590-220-3. Documents Incorporated by Reference.

- (1) The department requires that the documents described in this rule shall be used for all filings.
- (a) Actual copies may be used or you may adapt them to your word processing system.
- (b) If adapted, the content, size, font, and format must be similar.
- (2) The "NAIC Uniform Life, Accident and Health, Annuity, and Credit Coding Matrix," effective [July 1, 2009]January, 1, 2011, is hereby incorporated by reference and is available on the department's web site, www.insurance.utah.gov.

R590-220-4. Definitions.

In addition to the definitions in Sections 31A-1-301 and 31A-30-103, the following definitions shall apply for the purposes of this rule.

- (1) "Certification" means a statement that the filing being submitted is in compliance with Utah laws and rules.
- (2) "Discretionary group" means a group that has been specifically authorized by the commissioner under Subsection 31A-22-701(1)(b).
- (3) "Electronic filing" means a filing submitted via the Internet by using the System for Electronic Rate and Form Filings, SERFF.
- (4) "Eligible group" means a group that meets the definition in Subsection 31A-22-701(1)(a).

- (5) "File And Use" means a filing can be used, sold, or offered for sale after it has been filed with the department.
- (6) "File Before Use" means a filing can be used, sold, or offered for sale after it has been filed with the department and a stated period of time has elapsed from the date filed.
- (7) "File For Acceptance" means a filing can be used, sold, or offered for sale after it has been filed and the filer has received written confirmation that the filing was accepted.
- (8) "File for Approval" means a filing can be used, sold, or offered for sale after it has been filed and the filer has received written confirmation that the filing was approved.
 - (9) "Filer" means a person who submits a filing.
- (10) "Filing," when used as a noun, means an item required to be filed with the department including:
 - (a) a policy;
 - (b) a rate, rate manual, or rate methodologies;
 - (c) a form;
 - (d) a document;
 - (e) a plan;
 - (f) a manual;
 - (g) an application;
 - (h) a report;
 - (i) a certificate;
 - (i) an endorsement or rider;
- (k) an actuarial memorandum, demonstration, and certification;
 - (1) a licensee annual statement;
 - (m) a licensee renewal application; or
 - (n) an advertisement.
- (11) "Filing Objection Letter" means a letter issued by the commissioner when a review has determined the filing fails to comply with Utah law and rules. The filing objection letter, in addition to requiring correction of non-compliant items, may request clarification or additional information pertaining to the filing.
- (12) "Filing status information" means a list of the states to which the filing was submitted, the date submitted, and the states' actions, including their responses.
- (13) "Letter of authorization" means a letter signed by an officer of the licensee on whose behalf the filing is submitted that designates filing authority to the filer.
- (14) "Market type" means the type of policy that indicates the targeted market such as individual or group.
- (15) "Order to Prohibit Use" means an order issued by the commissioner that prohibits the use of a filing.
- (16) "Rating methodology change" for the purpose of a health benefit plan means a:
- (a) change in the number of case characteristics used by a covered licensee to determine premium rates for health benefit plans in a class of business;
- (b) change in the manner or procedures by which insureds are assigned into categories for the purpose of applying a case characteristic to determine premium rates for health benefit plans in a class of business;
- (c) change in the method of allocating expenses among health benefit plans in a class of business; or
- (d) change in a rating factor, with respect to any case characteristic, if the change would produce a change in premium for any individual or small employer that exceeds 10%. A change in a

rating factor shall mean the cumulative change with respect to such factor considered over a 12-month period. If a covered licensee changes rating factors with respect to more than one case characteristic in a 12-month period, the licensee shall consider the cumulative effect of all such changes in applying the 10% test.

- (17) "Rejected" means a filing is:
- (a) not submitted in accordance with Utah laws and rules;
- (b) returned to the filer by the department with the reasons for rejection; and
 - (c) not considered filed with the department.
- (18) "Type of insurance" means a specific accident and health product including dental, health benefit plan, long-term care, Medicare supplement, income replacement, specified disease, or vision
- (19) "Utah Filed Date" means the date provided to a filer by the Utah Insurance Department[5] that indicates a filing has been accepted.

R590-220-5. General Filing Information.

- (1) Each filing submitted must be accurate, consistent, complete and contain all required documents in order for the filing to be processed in a timely and efficient manner. The commissioner may request any additional information deemed necessary.
- (2) A licensee and filer are responsible for assuring that a filing is in compliance with Utah laws and rules. A filing not in compliance with Utah laws and rules is subject to regulatory action under Section 31A-2-308.
- (3) A filing that does not comply with this rule will be rejected and returned to the filer. A rejected filing:
 - (a) is not considered filed with the department;
 - (b) must be submitted as a new filing; and
 - (c) will not be reopened for purposes of resubmission.
- (4) A prior filing will not be researched to determine the purpose of the current filing.
- (5) The department does not review or proofread every filing.
 - (a) A filing may be reviewed:
 - (i) when submitted;
 - (ii) as a result of a complaint;
 - (iii) during a regulatory examination or investigation; or
 - (iv) at any other time the department deems necessary.
- (b) If a filing is reviewed and is not in compliance with Utah laws and rules, a Filing Objection Letter or an Order to Prohibit Use will be issued to the filer. The commissioner may require the licensee to disclose deficiencies in forms or rating practices to affected insureds.
 - (6) Filing correction.
 - (a) Filing corrections are considered informational.
- (b) Filing corrections must be submitted within 15 days of the date the original filing was submitted to the department. The filer shall include a description of the filing corrections.
- (c) A new filing is required if a filing correction is made more than 15 days after the date the original filing was submitted to the department. The filer must reference the original filing in the filing description and include a description of the filing corrections.
- (7) If responding to a Filing Objection Letter, [or-]an Order to Prohibit Use, or a Filing Rejection, refer to Section R590-220-16 for instructions.

(8) Filing withdrawal. A filer must notify the department when withdrawing a previously filed form, rate, or supplementary information.

R590-220-6. Filing Submission Requirements.

- (1) All filings must be submitted as an electronic filing.
- (2) A filing must be submitted by market type and type of insurance.
- (3) A filing may not include more than one type of insurance, or request filing for more than one licensee.
- (4)(a) Filing Description. Do not submit a cover letter. On the General Information tab, complete the Filing Description section with the following information, presented in the order shown below.
 - (i) Provide a description of the filing including:
 - (A) the intent of the filing; and
 - (B) the purpose of each document within the filing.
 - (ii) Indicate if the filing:
 - (A) is new:
- (B) is replacing or modifying a previous submission; if so, describe the changes made, if previously rejected the reasons for rejection, and the previous filing's Utah Filed Date;
- (C) includes documents for informational purposes; if so, provide the Utah Filed Date; or
- (D) does not include the base policy; if so, provide the Utah Filed Date of the base policy and describe the effect on the base policy.
- (iii) Identify if any of the provisions are unusual, controversial, or have been previously objected to, or prohibited, and explain why the provision is included in the filing.
- (iv) Explain any change in benefits or premiums that may occur while the contract is in force.
- (v) List the issue ages, which means the range of minimum and maximum ages for which a policy will be issued.
- (b) Certification. The filer must certify that a filing has been properly completed AND is in compliance with Utah laws and rules. The Utah Accident and Health Insurance Filing Certification must be properly completed, signed, and attached to the Supporting Documentation tab. A false certification may subject the licensee to administrative action.
- (c) Domiciliary Approval and Filing Status Information. All filings for a foreign licensee must include on the Supporting Documentation tab:
 - (i) copy of domicile approval for the exact same filing;
 - (ii) filing status information which includes:
 - (A) a list of the states to which the filing was submitted;
 - (B) the date submitted; and
 - (C) summary of the states' actions and their responses; or
- (iii) if the filing is specific to Utah and only filed in Utah, then state, "UTAH SPECIFIC NOT SUBMITTED TO ANY OTHER STATE."
- (d) Group Questionnaire or Discretionary Group Authorization Letter. A group filing must attach to the Supporting Documentation tab either a:
- (i) signed and fully completed Utah Accident and Health Insurance Group Questionnaire; or
- (ii) copy of the Utah Accident and Health Insurance Discretionary Group Authorization letter.

- (e) Letter of Authorization.
- (i) When the filer is not the licensee, a letter of authorization from the licensee must be attached to the Supporting Documentation tab.
- (ii) The licensee remains responsible for the filing being in compliance with Utah laws and rules.
 - (f) Variable data.
- (i) A statement of variability must be attached to the Supporting Documentation tab and certify:
- (A) the final form will not contain brackets denoting variable data;
- (B) the use of variable data will be administered in a uniform and non-discriminatory manner and will not result in unfair discrimination;
- (C) the variable data included in this statement will be used on the referenced forms;
- (D) any changes to variable data will be submitted prior to implementation.
- (ii) Variable data are denoted in brackets and are defined, either by imbedding in the form, or by a separate form identified by its own form number and edition date. Variable data submitted as a separate form must be in a manner that follows the construction of the form, by page and paragraph, or page and footnote.
- (iii) Variable data must be reasonable, appropriate and compliant.
 - (iv) Use of unauthorized variable data is prohibited.
 - (g) Utah Accident and Health Insurance Intake Survey.
- (i) The intake survey must be properly completed, signed and attached to the Supporting Documentation tab for <u>Form and Form/Rate</u> filings submitted with the type of insurance of <u>"H06"</u>, "H15G," "H15I," "H16G," "H16I," "HOrg02G," or "HOrg02I." <u>The intake survey is not required for Rate or Report filings.</u>
- (ii) If the intake survey is incomplete or not attached, the filing will be rejected.
 - (h) Items being submitted for filing.
 - (i) All forms must be attached to the Form Schedule tab.
- (ii) All rating documentation, including actuarial memorandums and rate schedules, must be attached to the Rate/Rule Schedule.
- (i) Reports are exempt from the filing submission requirement listed in Subsections R590-220-6(4)(c), (d), (f) and (g).
- (5) Refer to each applicable section of this rule for additional procedures on how to submit forms, rates, and reports.

R590-220-7. Procedures for Form Filings.

- (1) Forms in General.
- (a) Forms are File and Use filings.
- (b) Each form must be identified by a unique form number. The form number may not be variable.
- (c) A form must be in final printed form or printer's proof format. A draft may not be submitted.
- (d) Blank spaces within the forms must be completed in John Doe fashion to accurately represent the intended market, purpose, and use.
 - (2) Application Filing.
- (a) Each application or enrollment form may be submitted as a separate filing or may be filed with its related policy or certificate filing.

- (b) If an application has been previously filed or is filed separately, an informational copy of the application must be included with the policy or certificate filing.
 - (3) Policy Filing.
 - (a) Each type of insurance must be filed separately.
- (b) A policy filing consists of one policy form, including its related forms, such as the application, outline of coverage, certificate, rider, endorsement, and actuarial memorandum.
- (c) Only one policy filing for a single type of insurance may be filed, except as stated in Subsection R590-220-7(3)(d).
- (d) A Medicare supplement filing may include more than one policy filing but each filing is limited to only one of each of the Medicare supplement plans A through N.
 - (4) Rider or Endorsement Only Filing.
- (a) Up to three related riders or endorsements may be filed together.
- (b) A single rider or endorsement that affects multiple forms may be filed if the Filing Description references all affected forms
 - (c) The filing must include:
- $\hbox{ (i)} \quad A \ \mbox{listing of all base policy form numbers, title and } \\ \mbox{Utah Filed Dates; and} \\$
- (ii) a description of how each filed rider or endorsement affects the base policy.
- (d) Unrelated riders or endorsements may not be filed together.
- (5) Outline of Coverage. If an outline of coverage is required to be issued with a policy, rider, or an endorsement, the outline of coverage must be filed when the policy, rider or endorsement is filed.

R590-220-8. Additional Procedures for Individual Accident and Health Market Filings.

- (1) A filer submitting an individual accident and health filing is advised to review:
- (a) Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;
- (b) Title 31A, Chapter 22, Part 6, Accident and Health Insurance; and
 - (c) Rules R590-85, R590-126, R590-131, and R590-192.
- (2) This section does not apply to filings for individual health benefit plans that are subject to Title 31A, Chapter 30, Individual, Small Employer, and Group Health Insurance Act, and Rule R590-167. Individual health benefit plan filings are discussed in Section R590-220-10.
 - (3) Rate and rate documentation filings.
- (a) Rates and rate documentation submitted with a new form filing are a File and Use filing.
 - (b) A rate revision filing is a File for Acceptance filing.
- (4) Every individual accident and health policy, rider, or endorsement affecting benefits shall be accompanied by a rate filing with an actuarial memorandum signed by a qualified actuary.
- (a) A rate filing need not be submitted if the filing does not require a change in premiums, however the reason why there is not a change in premium must be explained in the Filing Description.
- (b) Rates must be filed in accordance with the requirements of Section 31A-22-602, Rules R590-85, and R590-220.

- (5) A filer submitting a long term care filing, including an endorsement or rider attached to a life insurance policy, is advised to review Title 31A, Chapter 22, Part 14, Long Term Care Insurance Standards, Rule R590-148, and Sections R590-220-12 and 13.
- (6) A filer submitting a Medicare supplement filing is advised to review Section 31A-22-620, Rule R590-146, and Section R590-220-11.

R590-220-9. Additional Procedures for Group Market Form Filings.

- (1) A filer submitting a group accident and health filing is advised to review:
- (a) Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;
 - (b) Title 31A, Chapter 22, Parts 6 and 7;
- (c) Title 31A, Chapter 30, Individual, Small Employer, and Group Health Insurance Act; and
- (d) Rules R590-76, R590-126, R590-131, R590-146, R590-148, R590-192, R590-233, and Section R590-220-10.
- (2) Determine whether the group is an eligible group or a discretionary group.
- (a) Eligible Group. A filing for an eligible group must include a completed Utah Accident and Health Insurance Group Ouestionnaire.
- (i) A questionnaire must be completed for each eligible group under Sections 31A-22-503 through 507, and Subsection 31A-22-701(2).
- (ii) When a filing applies to multiple employee-employer groups under Section 31A-22-502, only one questionnaire is required to be completed.
- (b) Discretionary Group. If the group is not an eligible group, then specific discretionary group authorization must be obtained prior to filing.
- (i) To obtain discretionary group authorization a Utah Accident and Health Insurance Request for Discretionary Group Authorization must be submitted and include all required information.
- (ii) Evidence or proof of the following items are some factors considered in determining acceptability of a discretionary
 - (A) the existence of a verifiable group;
- (B) that granting permission is not contrary to public policy;
 - (C) the proposed group would be actuarially sound;
- (D) the group would result in economies of acquisition and administration which justify a group rate; and
- (E) the group would not present hazards of adverse selection.
- (iii) A discretionary group filing that does not provide authorization documentation will be rejected.
- (iv) A change to an authorized discretionary group, such as change of name, trustee or domicile state, must be submitted to the department within 30 days of the change.
- (v) Adding additional types of insurance products to be offered, requires that the discretionary group be reauthorized. The discretionary group authorization will specify the types of products that a discretionary group may offer.
- (vi) The commissioner may periodically re-evaluate the group's authorization.

- (vii) A filer may not submit a rate or form filing prior to receiving discretionary group authorization. If a rate or form filing is submitted without discretionary group authorization, the filing will be rejected.
- (3) A filer submitting a long-term care filing, including a long-term care endorsement or rider attached to a life insurance policy, is advised to review Title 31A, Chapter 22, Part 14, Long Term Care Insurance Standards, Rule R590-148, and Sections R590-220-12 and 13.
- (4) A filer submitting a Medicare supplement filing is advised to review Section 31A-22-620, Rule R590-146, and Section R590-220-11.

R590-220-10. Additional Procedures for Individual, Small Employer, and Group Health Benefit Plan Filings.

This section contains instructions for filings subject to Title 31A, Chapter 30, Individual, Small Employer, and Group Health Insurance Act.

- (1) A filer submitting health benefit plan filings that are subject to Title 31A, Chapter 30, is advised to review:
- (a) Title 31A, Chapter 8, Health Maintenance Organization and Limited Health Plans;
 - (b) Title 31A, Chapter 22, Parts 6 and 7;
 - (c) Title 31A, Chapter 30; and
- (d) Rules R590-76, R590-131, R590-167, [R590-175,] R590-176, R590-192, R590-194, R590-200, R590-203, R590-218, R590-233, [and-]R590-247, R590-255, R590-259, R590-261, R590-262, and R590-263.
 - (2)(a) Form Filing.
- ____(i) A health benefit plan form filing must include a rate manual.
- (ii) If the rate manual was previously filed, provide documentation indicating the department's receipt.
 - (b) Rate Manual Filing.
- (i) A rate manual that does not request a change in rating methodology is a File Before Use filing.
- (ii) A change in rating methodology filing is a File for Approval filing.
 - (iii) A new and revised rate manual must:
- (A) include an actuarial certification signed by a qualified actuary;
 - (B) be filed 30 days prior to use;
 - (C) list the case characteristics and rate factors to be used;
- (D) be applied in the same manner for all health benefit plans in a class;
- (E) contain specific area factor[<u>and industry factors</u>] applicable in Utah;
- (F) include the method of calculating the risk load, including the method used to determine any experience factors;
- (G) include how the overall rate is reviewed for compliance with the rate restrictions; [-and]
- (H) include detailed description of all classes of business, as provided in Section 31A-30-105;
- (I) fully complete the Company Rate Information on the Rate/Rule Schedule tab; and
 - (J) all information required by Section R590-167-6.
- [(iv) Any case characteristic not listed in Subsection 31A-30-106(1)(h) requires prior approval of the commissioner.

- (3) Health Benefit Plan Reports.
 - (a) Actuarial Certification.
- (i) All individual and small employer licensees must file an actuarial certification as described in [Sections] 31A-30-106, 31A-30-106.1, and Subsection R590-167-11(1)(a).
 - (ii) The report is due April 1 each year.
 - (b) Small Employer Index Rates Report.
- All small employer licensees must file their index rates as of January 1 of the current year and preceding year, as required by Subsection 31A-29-117(2).
 - (i) The report must include:
 - (A) the actual index rates; and
- (B) calculate the percentage change in these rates between the two years.
 - (ii) The report is due February 1 each year.
- (c) Each report must be filed separately and be properly identified.
- (d)(i) All health benefit plan reports must be filed with SERFF using a type of insurance of "H16I" or "H16G," and a filing type of "Report."

R590-220-11. Additional Procedures for Medicare Supplement Filings.

- A filer submitting Medicare supplement filings is advised to review Section 31A-22-620 and Rule R590-146. A Medicare supplement form filing that affects rates must be filed with all required rating documentation.
- (1)(a) A licensee must file its Medicare Supplement Buyers Guide.
- (b) If previously filed, indicate the filed date in the filing description.
 - (2) Rates.
- (a) Rates and rate documentation submitted with a new form filing are a File and Use filing.
 - (b) A rate revision filing is a File for Acceptance filing.
- (c) Medicare supplement rates must comply with Section 31A-22-602, and Rules R590-146 and R590-85.
- (d) A licensee shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been filed.
- (e) A rate revision request may not be used to satisfy the annual filing requirements of Subsection R590-146-14.C.
 - (3) Annual Medicare Supplement Reports.
 - (a) Medicare supplement reports are File and Use filings.
 - (b) Reports are due May 31 each year.
 - (c) Report of Multiple Policies.
- (i) As required by Section R590-146-22, an issuer of Medicare supplement policies shall annually submit a report of multiple policies the licensee has issued to a single insured.
- (ii) The report is required each year listing each insured with multiple policies or must state "NO MULTIPLE POLICIES WERE ISSUED."
- (d) Annual Filing of Rates and Supporting Documentation.
- (i) An issuer of Medicare supplement policies and certificates shall file annually its rates, rating schedule and

- supporting documentation, including ratios of incurred losses to earned premiums by policy duration, in accordance with Subsection R590-146-14.C.
- (ii) The NAIC Medicare Supplement Insurance Model Regulations Manual details what should be included in the annual rate filing.
- (iii) Annual reports submitted with a request or any type of reference to a rate revision will be rejected.
- (e) Refund Calculation and Benchmark Ratio. An issuer shall file the Medicare Supplement Refund Calculation Form and Reporting Form for the Calculation of Benchmark Ratio Since Inception for Group Policies reports according to Subsection R590-146-14.B.
- (f) Reports for Pre-Standardized Medicare supplement benefit plans and 1990 Standardized Medicare supplement benefit plans must be submitted together as one filing with SERFF using a type of insurance of "MS06," and a filing type of "Report."
- (g) Reports for 2010 Standardized Medicare supplement benefit plans must be submitted together as one filing with SERFF using a type of insurance of "MS09," and a filing type of "Report."
- (h) If Medicare supplement reports are not submitted as one filing, the filing is considered incomplete and will be rejected.

R590-220-12. Additional Procedures for Combination Policies or Endorsements and Riders Providing Life and Accident and Health Benefits.

A filer submitting health and life combination policies, or health endorsements or riders, to life policies, is advised to review Rule R590-226.

- (1) A combination filing is a policy, rider, or endorsement, which creates a product that provides both life and accident and health insurance benefits.
- (a) The two types of acceptable combination filings are; an endorsement or rider, or an integrated policy.
- (b) Combination filings take considerable time to process, and will be processed by both the <u>Health Section and the Life Section of the Health and Life Insurance Division</u>, and the <u>Life Section of the Life, Property and Casualty Insurance Division</u>].
- (2) A combination filing must be submitted separately to both the <u>Health Section and Life Section of the Health and Life Insurance Division[and the Life Section of the Life, Property and Casualty Insurance Division].</u>
- (3)(a) For an integrated policy, the filing must be submitted to the appropriate division based on benefits provided in the base policy.
- (b) For an endorsement or rider, the filing must be submitted to the appropriate division based on benefits provided in the endorsement or rider.
- (4) The Filing Description must identify the filing as having a combination of insurance types, such as:
- (a) [term]whole life policy with a long-term care benefit rider; or
- (b) major medical health policy that includes a life insurance benefit.

R590-220-13. Additional Procedures for Long Term Care Products.

(1) A filer submitting long-term care product filings is advised to review:

- (a) Title 31A, Chapter 22, Part 14, Long Term Care Insurance Standards:
 - (b) Rule R590-148; and
 - (c) Section R590-220-12.
- (2) A long-term care form filing that affects rates must be filed with all required rating documentation.
 - (3) Rates.
- (a) Rates and rate documentation submitted with a new form filing are a File and Use filing.
 - (b) A rate revision filing is a File for Acceptance filing.
- (c) Long-term care rates must comply with Rules R590-148 and R590-85.
- (d) A licensee shall not use or change premium rates for a long-term care policy or certificate unless the rates, rating schedule and supporting documentation have been filed.
 - (4) Annual Long-term Care Reports.
- (a) All four long-term care reports required by Section R590-148-25 must be submitted together as one filing.
- (b) If all four reports are not submitted as one filing, the filing is considered incomplete and will be rejected.
- (c) If there is no information to report, the reporting form must state "NONE." $\,$
 - (d) Reports are due June 30 each year.
- (e) The four reports shown below are required by Section R590-148-25.
 - (i) Replacement and Lapse Reporting Form.
 - (ii) Claims Denial Reporting Form.
 - (iii) Rescission Reporting Form.
 - (iv) Suitability Report Form.
- (f) All long term care reports must be filed with SERFF using a type of insurance of "LTC06," and a filing type of "Report."

R590-220-14. Criteria for Adding or Terminating Participating Providers.

- (1) Criteria for adding or terminating participating providers must be submitted electronically via SERFF using a type of insurance of "H21" and a filing type of "Report."
- (2) The Filing Description must state "Preferred Provider Agreement," as required by Subsection 31A-22-617.1(1)(c).

R590-220-15. Correspondence and Status Checks.

- (1) Correspondence. When corresponding with the department, provide sufficient information to identify the original filing:
 - (a) type of insurance;
 - (b) date of filing;
 - (c) form numbers; and
 - (d) SERFF tracking number.
 - (2) Status Checks.
- (a) A complete filing is usually processed within 45 days of receipt.
- (b) A filer can request the status of its filing 60 days after the date of submission. A response will not be provided to a status request prior to 60 days.

R590-220-16. Responses.

- (1) Response to a Filing Objection Letter. When responding to a Filing Objection Letter a filer must:
 - (a) provide an explanation identifying all changes made;

- (b) include an underline and strikeout version for each revised document;
- (c) a final version of revised documents that incorporates all changes; and
- (d) attach the documents in Subsections R590-220-16(1) (b) and (c) to the appropriate Form Schedule or Rate/Rule Schedule tabs.
 - (2) Response to an Order to Prohibit Use.
- (a) An Order to Prohibit Use becomes final 15 days after the date of the Order.
- (b) Use of the filing must be discontinued not later than the date specified in the Order.
- (c) To contest an Order to Prohibit Use, the commissioner must receive a written request for a hearing not later than 15 days after the date of the Order.
- (d) A new filing is required if the licensee chooses to make the requested changes addressed in the Filing Objection Letter. The new filing must reference the previously prohibited filing.
- (3) Response to a Filing Rejection. A Filing Rejection is not considered filed with the department. A filer may choose to submit as a new filing. The new filing must reference the previously rejected filing.

R590-220-17. Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R590-220-18. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule 15 days from the effective date of this rule.

R590-220-19. Severability.

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

KEY: health insurance filings

Date of Enactment or Last Substantive Amendment: [February 22, 2010]2012

Notice of Continuation: March 12, 2009

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-2-201.1; 31A-2-202; 31A-22-605; 31A-22-620; 31A-30-106

Public Safety, Fire Marshal **R710-6**

Liquified Petroleum Gas Rules

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36631
FILED: 08/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 06/22/2012, the Utah Liquified Petroleum Gas Board met in a regularly scheduled board meeting and proposed to amend Rule R710-6. The Board proposed to add a definition, change wording, and update an incorporated reference.

SUMMARY OF THE RULE OR CHANGE: Summary of the proposed rule amendments is as follows: 1) in Subsection R710-6-1(1.3), the board proposes to update NFPA Standard 1192; Standard on Recreational Vehicles from the 2008 edition to the 2011 edition; 2) in Subsection R710-6-2(2.16), the board proposes to add the definition of "Transferred by the final consumer"; and 3) in Subsection R710-6-3(3.2), the board proposes to change all references from "public liability insurance" to "general liability insurance".

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-305

MATERIALS INCORPORATED BY REFERENCES:

♦ Updates Standard on Recreational Vehicles, published by National Fire Protection Association, 12/14/2010

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The only anticipated aggregate cost to the state budget would be to purchase the newly updated 2011 edition of the NFPA 1192 standard at a cost of \$36 each. The aggregate cost to the state budget would be approximately \$216 for six copies as reference material for staff and the public.
- ♦ LOCAL GOVERNMENTS: There is no aggregate cost or savings to local government because these proposed amendments do not affect the functions of local government in any way.
- ♦ SMALL BUSINESSES: The aggregate anticipated cost to small businesses would be the purchase of the 2011 edition of the NFPA 1192 Standard at \$36 each. Purchase of the NFPA 1192 Standard is not required, but businesses may wish to purchase the most recent standard for their reference. It is impossible to state an accurate aggregate cost for the purchasing the new NFPA standard because of the unknown number of companies that would buy the standard and the unknown number of copies for the individuals within those companies.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The aggregate anticipated cost to other persons would be the purchase of the 2011 edition of the NFPA 1192 Standard at \$36 each. Purchase of the NFPA 1192 Standard is not required, but businesses may wish to purchase the most recent standard for their reference. It is impossible to state an accurate aggregate cost for the purchasing the new NFPA standard because of the unknown number of other persons who may purchase the standard.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost associated with these rule changes. However, affected persons may wish to purchase a copy of NFPA 1192: Standard of Recreational Vehicles, 2011 Edition for \$36 per copy.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only anticipated fiscal impact to businesses would be to purchase the updated, incorporated reference for \$36 per copy. Purchase is not required, but businesses may wish to purchase the most recent NFPA 1192 Standard.

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

PUBLIC SAFETY
FIRE MARSHAL
ROOM 302
5272 S COLLEGE DR
MURRAY, UT 84123-2611
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Coy Porter by phone at 801-284-6358, by FAX at 801-284-6351, or by Internet E-mail at coyporter@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: Brent Halladay, State Fire Marshal

R710. Public Safety, Fire Marshal. R710-6. Liquefied Petroleum Gas Rules. R710-6-1. Adoption, Title, Purpose and Scope.

Pursuant to Title 53, Chapter 7, Section 305, Utah State Code Annotated 1953, the Liquefied Petroleum Gas (LPG) Board adopts minimum rules to provide regulation to those who distribute, transfer, dispense or install LP Gas and/or its appliances in the State of Utah.

There is adopted as part of these rules the following codes which are incorporated by reference:

- 1.1 National Fire Protection Association (NFPA), Standard 58, LP Gas Code, 2011 edition, except as amended by provisions listed in R710-6-8, et seq.
- 1.2 National Fire Protection Association (NFPA), Standard 54, National Fuel Gas Code, 2009 edition, except as amended by provisions listed in R710-6-8, et seq.
- 1.3 National Fire Protection Association (NFPA), Standard 1192, Standard on Recreational Vehicles, [2008]2011 Edition, except as amended by provisions listed in R710-6-8, et seq.
- 1.4 International Fire Code (IFC), Chapter 38, 2009 edition, as published by the International Code Council, Inc. (ICC), and as enacted and amended by the Utah State Legislature in Sections 102 and 201 of the State Fire Code Adoption Act.

1.5 A copy of the above codes are on file with the Division of Administrative Rules, and the State Fire Marshal's Office. The definitions contained in the afore referenced codes shall also pertain to these rules.

1.6 Title.

These rules shall be known as "Rules Governing LPG Operations in the State of Utah" and may be cited as such, and will be hereinafter referred to as "these rules".

1.7 Validity.

If any article, section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to statute, or exceeding the authority of the LPG Board such decision shall not affect the validity of the remaining portion of these rules.

1.8 Conflicts.

In the event where separate requirements pertain to the same situation in the same code, or between different codes or standards as adopted, the more restrictive requirement shall govern, as determined by the enforcing authority.

R710-6-2. Definitions.

- 2.1 "ASME Stamp" means the symbol used to designate that the container has been built to the American Society of Mechanical Engineers (ASME), Boiler and Pressure Vessel Code, Section VIII, Divisions 1 or 2, Rules for the Construction of Unfired Pressure Vessels.
 - 2.2 "Board" means the Liquefied Petroleum Gas Board.
- 2.3 "Concern" means a person, firm, corporation, partnership, or association, licensed by the Board.
- 2.4 "Dispensing System" means equipment in which LP Gas is transferred from one container to another in liquid form.
- 2.5 "Division" means the Division of the State Fire Marshal.
- 2.6 "Enforcing Authority" means the division, the municipal or county fire department, other fire prevention agency acting within its respective fire prevention jurisdiction, or the building official of any city or county.
 - 2.7 "ICC" means International Code Council, Inc.
 - 2.8 "IFC" means International Fire Code.
- 2.9 "License" means a written document issued by the Division authorizing a concern to be engaged in an LPG business.
 - 2.10 "LPG" means Liquefied Petroleum Gas.
- 2.11 "LPG Certificate" means a written document issued by the Division to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.
- 2.12 "NFPA" means the National Fire Protection Association.
- 2.13 "Possessory Rights" means the right to possess LPG, but excludes broker trading or selling.
- 2.14 "Public Place" means a highway, street, alley or other parcel of land, essentially unobstructed, which is deeded, dedicated or otherwise appropriated to the public for public use, and where the public exists, travels, traverses or is likely to frequent.
- 2.15 "Qualified Instructor" means a person holding a valid LPG certificate in the area in which he is instructing.
- 2.16 "Transferred by the final consumer" means the act of moving an LP Gas cylinder from one place to another.

 $2.1 \cite{6}\cite{2}$ "UCA" means Utah State Code Annotated 1953 as amended.

R710-6-3. Licensing.

- 3.1 Type of license.
- 3.1.1 Class I: A licensed dealer who is engaged in the business of installing gas appliances or systems for the use of LPG and who sells, fills, refills, delivers, or is permitted to deliver any LPG.
- 3.1.2 Class II: A business engaged in the sale, transportation, and exchange of cylinders, but not transporting or transferring gas in liquid.
- 3.1.3 Class III: A business not engaged in the sale of LPG, but engaged in the sale and installation of gas appliances, or LPG systems.
 - 3.1.4 Class IV: Those businesses listed below:
 - 3.1.4.1 Dispensers
- 3.1.4.2 Sale of containers greater than 96 pounds water capacity.
 - 3.1.4.3 Other LPG businesses not listed above.
- 3.2 The application for a license to engage in the business of LPG as required in 3.1 of these rules, shall be accompanied with proof of [publie]general liability insurance. The [publie]general liability insurance shall be issued by a [publie]general liability insurance carrier showing coverage of at least \$100,000 for each incident, and \$300,000 in total coverage. The licensee shall notify the SFM within thirty days after the [publie]general liability insurance coverage required is no longer in effect for any reason.
 - 3.3 Signature on Application.

The application shall be signed by an authorized representative of the applicant. If the application is made by a partnership, it shall be signed by at least one partner. If the application is made by a corporation or association other than a partnership, it shall be signed by the principal officers, or authorized agents.

3.4 Issuance.

Following receipt of the properly completed application, an inspection, completion of all inspection requirements, and compliance with the provision of the statute and these rules, the Division shall issue a license.

3.5 Original, Valid Date.

Original licenses shall be valid for one year from the date of application. Thereafter, each license shall be renewed annually and renewals thereof shall be valid for one year from issuance.

3.6 Renewal.

Application for renewal shall be made on forms provided by the SFM.

3.7 Refusal to Renew.

The Board may refuse to renew any license in the same manner, and for any reason, that they are authorized, pursuant to Article 5 of these rules to deny a license. The applicant shall, upon such refusal, have the same rights as are granted by Article 5 of this article to an applicant for a license which has been denied by the Board.

3.8 Change of Address.

Every licensee shall notify the Division, in writing, within thirty (30) days of any change of his address.

3.9 Under Another Name.

No licensee shall conduct his licensed business under a name other than the name or names which appears on his license.

- 3.10 List of Licensed Concerns.
- 3.10.1 The Division shall make available, upon request and without cost, to the Enforcing Authority, the name, address, and license number of each concern that is licensed pursuant to these rules
- 3.10.2 Upon request, single copies of such list shall be furnished, without cost, to a licensed concern.

3.11 Inspection.

The holder of any license shall submit such license for inspection upon request of the Division or the Enforcing Authority.

3.12 Notification and LPG Certificate.

Every licensed concern shall, within twenty (20) days of employment, and within twenty (20) days of termination of any employee, report to the Division, the name, address, and LPG certificate number, if any, of every person performing any act requiring an LPG certificate for such licensed concern.

3.13 Posting.

Every license issued pursuant to the provisions of these rules shall be posted in a conspicuous place on the premises of the licensed location.

3.14 Duplicate License.

A duplicate license may be issued by the Division to replace any previously issued license, which has been lost or destroyed, upon the submission of a written statement from the licensee to the Division. Such statement shall attest to the fact that the license has been lost or destroyed. If the original license is found it shall be surrendered to Division within 15 days.

3.15 Registration Number.

Every license shall be identified by a number, delineated as P-(number).

3.16 Accidents, Reporting.

Any accident where a licensee and LPG are involved must be reported to the Board in writing by the affected licensee within 3 days upon receipt of information of the accident. The report must contain any pertinent information such as the location, names of persons involved, cause, contributing factors, and the type of accident. If death or serious injury of person(s), or property damage of \$5000.00 or more results from the accident, the report must be made immediately by telephone and followed by a written report.

3.17 Board investigation of accidents.

At their discretion, the Board will investigate, or direct the Division to investigate, all serious accidents as defined in Subsection 3.15.

R710-6-4. LP Gas Certificates.

4.1 Application.

Application for an LPG certificate shall be made in writing to the Division. The application shall be signed by the applicant.

4.2 Examination.

Every person who performs any act or acts described in UCA, Section 53-7-308, shall pass an initial examination in accordance with the provisions of this article.

- 4.3 Types of Initial Examinations:
- 4.3.1 Carburetion
- 4.3.2 Dispenser
- 4.3.3 HVAC/Plumber

- 4.3.4 Recreational Vehicle Service
- 4.3.5 Serviceman
- 4.3.6 Transportation and Delivery
- 4.4 Initial Examinations.
- 4.4.1 The initial examination shall include an open book written test of the applicant's knowledge of the work to be performed by the applicant. The applicant is allowed to use the adopted statute, administrative rules, NFPA 54, and NFPA 58. Any other materials to include cellular telephones or related cellular equipment are prohibited in the examination room.
- 4.4.2 The initial examination may also include a practical or actual demonstration of some selected aspects of the job to be performed by the applicant if so warranted by the test administrator.
- 4.4.3 Leaving the office or testing location before the completion of the examination voids the examination and will require the examination to be retaken by the applicant.
- 4.4.4 To successfully complete the written and practical initial examinations, the applicant must obtain a minimum grade of seventy percent (70%) in each portion of the examination taken. Each portion of the examination will be graded separately. Failure of any one portion of the examination will not delete the entire test.
- 4.4.5 Completion of the certification examination will not be allowed if it appears to the test administrator that the applicant has not prepared to take the examination.
- 4.4.6 Examinations may be given at various field locations as deemed necessary by the Division. Appointments for field examinations are required.
- 4.4.7 As required in Sections 4.2 and 4.3 of these rules, those applicants that have successfully completed the requirements of the Certified Employee Training Program (CETP), as written by the National Propane Gas Association, and that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.
- 4.4.8 As required in Sections 4.2 and 4.3.6 of these rules, those applicants that have successfully completed the requirements in Code of Federal Regulations (CFR) 49, Parts 172.700, 172.704, 177.800 and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.
- 4.4.9 As required in Sections 4.2 and 4.3.3 of these rules, those applicants that have successfully completed the Rocky Mountain Gas Association, Natural Gas Technician Certification Exam with a passing score, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.
- 4.4.10 As required in Sections 4.2 and 4.3.3 of these rules, those applicants that are licensed journeyman plumbers as required in the Constructions Trades Licensing Act Plumber Licensing Rules, R156-55c, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.

4.5 Original and Renewal Date.

Original LPG certificates shall be valid for one year from the date of issuance. Thereafter, each LPG certificate shall be renewed annually and renewals thereof shall be valid from for one year from issuance.

4.6 Renewal Date.

Application for renewal shall be made on forms provided by the Division.

4.7 Re-examination.

Every holder of a valid LPG Certificate shall take a reexamination every five years from the date of original certificate issuance, to comply with the provisions of Section 4.3 of these rules as follows:

- 4.7.1 The re-examination to comply with the provisions of Section 4.3 of these rules shall consist of an open book examination, to be mailed to the certificate holder at least 60 days before the renewal date.
- 4.7.2 The open book re-examination will consist of questions that focus on changes in the last five years to NFPA 54, NFPA 58, the statute, or the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the Board or Division.
- 4.7.3 The certificate holder is responsible to complete the re-examination and return it to the Division in sufficient time to renew
- 4.7.4 The certificate holder is responsible to return to the Division with the re-examination the correct renewal fees to complete that certificate renewal.
- 4.7.5 As required in Section 4.7 of these rules, those applicants that have successfully completed the requirements in Code of Federal Regulations (CFR) 49, Parts 172.700, 172.704, 177.800 and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for re-examination waived, after appropriate documentation is provided to the Division by the applicant.
- 4.7.6 As required in Section 4.7 of these rules, those applicants that provide the Division with written verification of the completion of 40 hours of continuing training over the previous five-year period shall have the requirement for re-examination waived.

4.8 Refusal to Renew.

The Division may refuse to renew any LPG certificate in the same manner and for any reason that is authorized pursuant to Section 5.2 of these rules.

4.9 Inspection.

The holder of a LPG certificate shall submit such certificate for inspection, upon request of the Division or the enforcing authority.

- 4.10 Type.
- 4.10.1 Every LPG certificate shall indicate the type of act or acts to be performed and for which the applicant has qualified.
- 4.10.2 Any person holding a valid LPG certificate shall not be authorized to perform any act unless he is a licensee or is employed by a licensed concern.
- 4.10.3 It is the responsibility of the LPG certificate holder to insure that the concern they are employed by is licensed under this act.
- 4.10.4 The requirements listed in Sections 4.10.2 and 4.10.3 of these rules do not apply to licensed journeyman plumbers who meet the requirements listed in 4.4.10 of these rules.
- 4.10.5 The requirements listed in Sections 4.10.2 and 4.10.3 of these rules do not apply to those final consumers that meet the requirements stated in UCA 53-7-308.

4.11 Change of Address.

Any change in home address of any holder of a valid LPG certificate shall be reported by the registered person to the Division within thirty (30) days of such change.

4.12 Duplicate.

A duplicate LPG certificate may be issued by the Division to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the Division from the certified person. Such statement shall attest to the certificate having been lost or destroyed. If the original is found, it shall be surrendered to the Division within 15 days.

4.13 Contents of Certificate of Registration.

Every LPG certificate issued shall contain the following information:

- 4.13.1 The name and address of the applicant.
- 4.13.2 The physical description of applicant.
- 4.13.3 The signature of the LP Gas Board Chairman.
- 4.13.4 The date of issuance.
- 4.13.5 The expiration date.
- 4.13.6 Type of service the person is qualified to perform.
- 4.13.7 Have printed on the card the following: "This certificate is for identification only, and shall not be used for recommendation or advertising".

4.14 Minimum Age.

No LPG certificate shall be issued to any person who is under sixteen (16) years of age.

- 4.15 Restrictive Use.
- 4.15.1 No LPG certificate shall constitute authorization for any person to enforce any provisions of these rules.
- 4.15.2 A LPG certificate may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.
- 4.15.3 Regardless of the acts for which the applicant has qualified, the performance of only those acts authorized under the licensed concern employing such applicant shall be permissible.
- 4.15.4 Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a LPG certificate has qualified shall be permissible by such applicant.
 - 4.16 Right to Contest.
- 4.16.1 Every person who takes an examination for a LPG certificate shall have the right to contest the validity of individual questions of such examination.
- 4.16.2 Every contention as to the validity of individual questions of an examination that cannot be reasonably resolved, shall be made in writing to the Division within 48 hours after taking said examination. Contentions shall state the reason for the objection.
- 4.16.3 The decision as to the action to be taken on the submitted contention shall be by the Board, and such decision shall be final.
- 4.16.4 The decision made by the Board, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

4.17 Non-Transferable.

LPG Certificates shall not be transferable to another individual. Individual LPG certificates shall be carried by the person to whom issued.

4.18 New Employees.

New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid LPG certificate for a period not to exceed 45 days from the initial date of employment. By the end of such period, new employees shall have taken and passed the required examination. In the event the employee fails the examination, re-examination shall be taken within 30 days. The employee shall remain under the direct supervision of an employee holding a valid LPG certificate, until certified.

4.19 Certificate Identification.

Every LPG certificate shall be identified by a number, delineated as PE-(number). Such number shall not be transferred from one person to another.

KEY: liquefied petroleum gas

Date of Enactment or Last Substantive Amendment: | December 24, 2011 | October 8, 2012

Notice of Continuation: March 16, 2011

Authorizing, and Implemented or Interpreted Law: 53-7-305

Transportation, Preconstruction **R930-6**

Manual of Accommodation of Utility
Facilities and the Control and
Protection of State Highway Rights-ofWay

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 36653
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to exclude those portions of the Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way that relate to utility accommodation and reimbursement because those items will be addressed in the new Rule R930-7, Utility Accommodation. (DAR NOTE: The proposed new Rule R930-7 is under DAR No. 36654 in this issue, September 1, 2012, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment excludes those portions of the Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way that relate to utility accommodation and reimbursement because those items will be addressed in the new Rule R930-7.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-3-109 and Section 72-6-116 and Section 72-7-102 and Section 72-7-108

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no anticipated costs or savings to the state budget because this amendment only excludes portions of the incorporated manual dealing with utility accommodation, which will be addressed in the new Rule R930-7.
- ♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government because this amendment only excludes portions of the incorporated manual dealing with utility accommodation, which will be addressed in the new Rule R930-7.
- ♦ SMALL BUSINESSES: There are no anticipated costs or savings to small businesses because this amendment only excludes portions of the incorporated manual dealing with utility accommodation, which will be addressed in the new Rule R930-7.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other then small businesses, businesses, or local government because this amendment only excludes portions of the incorporated manual dealing with utility accommodation, which will be addressed in the new Rule R930-7.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons because this amendment only excludes portions of the incorporated manual dealing with utility accommodation, which will be addressed in the new Rule R930-7.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts on businesses because this amendment only excludes portions of the incorporated manual dealing with utility accommodation, which will be addressed in the new Rule R930-7.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: John Njord, Executive Director

R930. Transportation, Preconstruction.
R930-6. Manual of Accommodation of Utility Facilities and the

Control and Protection of State Highway Rights-of-Way. R930-6-1. Incorporation by Reference.

(1) In order to implement its federally-mandated responsibility to ensure the safe use and protection of federal-aid highways, except as stated in R930-6-1(2), the department incorporates by reference the Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way, January 2006 edition, copies of which are available at the department's headquarters, 4501 South 2700 West, Salt Lake City, Utah 84114, and on the department's Internet site, http://www.udot. utah.gov/main/uconowner.gf?n=200402231315131. The provisions of this Manual also apply to non-federal aid state highways.

(2) Inasmuch as utility accommodation is now governed by R930-7, Section 5 of the Manual of Accommodation of Utility. Facilities and the Control and Protection of State Highway Rights-of-Way is not incorporated, nor are any terms in the manual that refer to utility accommodation or utilities in the right-of-way or percent of reimbursement.

KEY: utility rules, utilities access

Date of Enactment or Last Substantive Amendment: [July 28, 2006|2012

Notice of Continuation: November 14, 2011

Authorizing, and Implemented or Interpreted Law: 72-3-109;

72-6-116; 72-7-102; 72-7-108

Transportation, Preconstruction **R930-7**

Utility Accommodation

NOTICE OF PROPOSED RULE

(New Rule)
DAR FILE NO.: 36654
FILED: 08/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule replaces portions of Rule R930-6 that specifically apply to utility installation, construction, maintenance, and relocation of utility facilities within state highway rights of way and is enacted under the authority of Subsection 72-6-116(2). (DAR NOTE: The proposed amendment to Rule R930-6 is under DAR No. 36653 in this issue, September 1, 2012, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This rule is a rewrite of portions of Rule R930-6 that relate to utility accommodation and clarifies inconsistencies, removes redundancies, consolidates, and better organizes information contained in the existing rule. More clarification is provided on several topics including backfill, trenching, and liability requirements. An option is added for encroachment permit applicants to acquire a single statewide maintenance bond for multiple permits valid for one year.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-3-29 and Subsection 72-6-116(2)

MATERIALS INCORPORATED BY REFERENCES:

◆ Adds 23 CFR 645, Subpart A and Subpart B, published by Government Printing Office, April 1, 2012

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: Proposed changes are anticipated to be cost neutral to the state budget. To the extent these changes prevent additional discussions and miscommunication, there will be schedule and cost savings through improved efficiency to the state.
- ♦ LOCAL GOVERNMENTS: To the extent these changes prevent additional discussions and miscommunication, there will be schedule and cost savings through improved efficiency to local government.
- ♦ SMALL BUSINESSES: To the extent these changes prevent additional discussions and miscommunication, there will be schedule and cost savings through improved efficiency to small businesses performing utility installations in state highway rights of way.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule only applies to small businesses, businesses, or local government entities doing utility installations in state highway rights of way. Others are not affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To the extent these changes prevent additional discussions and miscommunication, there will be schedule and cost savings through improved efficiency to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Proposed changes are intended to eliminate confusion and provide more consistency in how utility work is accommodated within state highway rights-of-way. To the extent these changes prevent additional discussions and miscommunication, there will be schedule and cost savings through improved efficiency to the state, and utility owners and their contractors.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/01/2012

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2012

AUTHORIZED BY: John Njord, Executive Director

R930. Transportation, Preconstruction. R930-7. Utility Accommodation.

R930-7-1. Purpose.

- (1) The purpose of this rule is to:
- (a) maximize public safety;
- (b) provide for efficient highway operations and maintenance of roadways:
 - (c) maximize aesthetic quality;
- (d) minimize future conflicts between the highway system and utility companies serving the general public; and
- (e) ensure that use and occupancy by utility companies do not impair or increase the cost of future highway construction, expansion, or maintenance or interfere with any right of way reserved for these purposes.
- (2) This rule prescribes conditions under which utility facilities may be accommodated on right of way and sets forth the state's regulations covering the placement and relocation of utility facilities in conflict with the construction and maintenance of highways.
- (3) This rule should be interpreted to achieve maximum lawful public use of right of way for transportation purposes and to ensure that utility installations and operations affecting state right of way are accomplished in accordance with state and federal laws and regulations. It is in the public interest for utility facilities to be accommodated within rights of way when the accommodation does not adversely affect the integrity of highway features. The permitted use and occupancy of right of way for non-highway purposes is subordinate to the primary interests for transportation and safety of the traveling public.
- (4) This rule is provided to facilitate the establishment of consistent expectations and effective working relationships between UDOT and utility companies through continuous communication, coordination and, cooperation.
- (5) Through the Code of Federal Regulations (23 CFR, Part 645.215(a)), the U.S. Department of Transportation requires each state to submit a statement to the Federal Highway Administration (FHWA) on the authority of utility companies to use and occupy the right of way of state highways, the state highway agency's power to regulate the use, and the policies the state employs or proposes to employ for accommodating utilities within the right of way of Federal-aid highways under its jurisdiction. This rule demonstrates compliance to FHWA.

R930-7-2. Authority and Source Documents.

This rule is enacted under the authority of Section 72-6-116(2), wherein UDOT is authorized and given the responsibility to regulate and make rules for the installation, construction, maintenance, repair, renewal, system upgrade, and relocation of utility facilities within state administered highways, including ordering their relocation as may become necessary.

- (1) Utah Code provides for the accommodation of utility facilities within the right of way and provides UDOT the authority to promulgate rules and regulations for administering those provisions. Accordingly, this rule has been developed pursuant to the following state and federal laws, codes, regulations, policies:
 - (a) Utah Code, Title 54, Public Utilities, Section 54-3-29;
- (b) American Association of State Highway and Transportation Officials (AASHTO) publications, A Guide for Accommodating Utilities within Highway Right of Way and A Policy on the Accommodation of Utilities within Freeway Right of Way; and
- (c) AASHTO publications, Roadside Design Guide and A Policy on Geometric -Design of Highways and Streets.
- (2) This rule incorporates by reference 23 CFR Section 645, Subpart B, (November 22, 2000).
- (3) UDOT has secured the authority from FHWA to issue permits for the use or occupancy of the right of way by utility facilities on Federal-aid highways. The use of Federal-aid highway right of way by utilities shall be in accordance with 23 CFR 645.215.

R930-7-3. Definitions.

- (1) "Abandoned facility" is a utility facility that is not in use, no longer actively providing a service and is physically disconnected from the operating facility that is still in use and still actively providing a service. Abandoned facilities remain the property of the utility company.
- (2) "Access control" is the regulation of public access to and from properties abutting the highway facilities. The two basic types of access control are:
- (a) "No access (NA)" means access to through-traffic lanes is not allowed except at interchanges. Crossings at grade and direct driveway connections are prohibited.
- (b) "Limited access (LA)" means access to selected public roads may be provided. There may be some crossings at grade and some private driveway connections.
- (3) "Administrative citation" is a letter from UDOT to a utility company citing one or more non-compliance items and proper redress requirements such as action on the appropriate bond, revocation of permit, and revocation of a license agreement.
- (4) "AASHTO" is the American Association of State Highway and Transportation Officials.
- (5) "Backfill" means the replacement of soil removed during construction. It may also denote material placed over or around structures and utilities.
- (6) "Bedding" means the composition and shaping of soil or other suitable material to support a pipe, conduit, casing, or utility tunnel.
- (7) "Boring" means the operation by which carriers or casings are pushed or jacked under highways without disturbing the highway structure or prism. Bores are carved progressively ahead of the leading edge of the advancing pipe as soil is mucked back through the pipe.
- (8) "Carrier" means a pipe directly enclosing a transmitted fluid (liquid, gas, or slurry).
- (9) "Casing" is a larger pipe, conduit, or duct enclosing a carrier.

- (10) "Clear Zone" means the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon traffic volumes, speeds, and roadside geometry.
- (11) "Coating" is material applied to or wrapped around a pipe.
- (12) "Conduit" is an enclosed tubular casing for the protection of wires and cables.
- (13) "Depth of bury (cover)" means the depth from ground or roadway surface to top of pipe, conduit, casing, cable, utility tunnel, or similar facility.
- (14) "Deviation" means a granted permission to depart from the standards and requirements of this rule.
- (15) "Emergency work" is utility company work required to prevent loss of life or significant damage to property.
- (16) "Encasement" is a structural element surrounding a carrier or casing.
- (17) "Encroachment" means the unauthorized use of highway right of way.
- (18) "Encroachment permit" is a document that specifies the requirements and conditions for performing work on the highway right of way.
- (19) "Environmentally protected areas" are areas that include, but are not limited to, wetlands, flood plains, stream channels, rivers, threatened or endangered species, archaeological sites, and historic sites.
- (20) "Expressway" is a divided arterial highway for through traffic with partial control of access and generally with grade separations at major intersections.
- (21) "Federal-aid highways" are highways eligible to receive Federal-aid.
 - (22) "FHWA" is the Federal Highway Administration.
- (23) "Flexible carrier pipe" is a plastic, fiberglass, or metallic pipe having a large diameter to wall thickness ratio and which can be deformed without undue stress.
- (24) "Flowable fill" is low strength flowable concrete as defined in UDOT Standard Specification 03575.
- (25) "Freeway" is an expressway with full control of access.
- (26) "Frontage road" is a local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.
- (27) "Grade" is the rate or percent of change in slope, either ascending or descending, measured along the centerline of a roadway or access.
- (28) "Grounded" means electrically connected to earth or to some extended conducting body that serves instead of the earth, whether the connection is intentional or accidental.
- (29) "Grout" is a cement mortar or slurry of fine sand or clay.
- (30) "Highway, street, or road" are general terms denoting a public way for the transportation of people, materials, and goods, but primarily for vehicular travel, including the entire area within the right of way.
- (31) "Horizontal directional drilling" (HDD), also known as directional boring and directional drilling, is a method of installing underground pipes and conduits from the surface along a

- prescribed bore path. The process is used for installing telecommunications and power cable conduits, water lines, sewer lines, gas lines, oil lines, product pipelines, and casings used for environmental remediation. It is used for crossing waterways, roadways, congested areas, environmentally protected areas, and any area where other methods are not feasible.
- (32) "Interstate highway system" (Interstate) is the Dwight D. Eisenhower National System of Interstate and Defense. Highways as defined in the Federal-aid Highway Act of 1956 and any supplemental acts or amendments.
- (33) "License Agreement or Statewide Utility License Agreement" is a document by which UDOT licenses the use and occupancy, with conditions, of highway rights of way for utility facilities.
- (34) "Manhole" or "utility access hole" is an opening in an underground system that workers or others may enter for the purpose of making installations, removals, inspections, repairs, connections, and tests.
- (35) "Median" is the portion of a divided highway separating the traveled ways for traffic in opposite directions.
- (36) "MUTCD (Utah MUTCD)" means the current version of Utah Manual on Uniform Traffic Control Devices referenced in R920-1.
- (37) "Pavement structure" is the combination of sub-base, base course, and surface course placed on a sub-grade to support the traffic load.
 - (38) "Permit" means encroachment permit.
- (39) "Pipe" is a tubular product made as a production item for the transmission of liquid or gaseous substances. Cylinders formed from plate material in the fabrication of auxiliary equipment are not pipe as defined here.
- (40) "Pipeline" is a continuous carrier used primarily for the transportation of liquids, gases, or solids from one point to another using either gravity or pressure flow.
- (41) "Plowing" means the direct burial of utility lines by means of a mechanism that breaks the ground, places the utility line, and closes the break in the ground in a single operation.
- (42) "Practicable" means reasonably capable of being accomplished or feasible as determined by UDOT.
- (43) "Relocate" means to move an existing utility facility to a new location when found by UDOT to be necessary for construction or maintenance of a highway.
- (44) "Right of way" is a general term denoting land, property, or interest therein, usually in a strip acquired for or devoted to transportation purposes.
- (45) "Roadside" is a general term denoting the area between the outer edge of the roadway shoulder and the right of way limits.
- (46) "Roadway" is the portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.
- (47) "Slope" is the relative steepness of the terrain expressed as a ratio or percentage. Slopes may be categorized as positive or negative and as parallel or cross slopes in relation to the direction of traffic.
- (48) "State highways" are those highways designated as State Highways in Title 72, Chapter 4, Designation of State Highways.

- (49) "Structure" means any device used to convey vehicles, pedestrians, animals, waterways or other materials over highways, streams, canyons, or other obstacles. It also includes buildings, signs, and UDOT facilities with foundations.
- (50) "Subsurface Utility Engineering (SUE)" is the management of certain risks associated with utility mapping at appropriate quality levels, utility coordination, utility relocation, communication of utility data, utility relocation cost estimates, implementation of utility accommodation policies, and utility design. SUE tools include traditional records, site surveys, and new technologies such as surface geophysical methods and non-destructive vacuum excavation, to provide quality levels of information. The SUE process for collecting and depicting information on existing subsurface Utility Facilities is described in ASCE Standard 38-02, Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data.
- (51) "Trenched" means installed in a narrow open excavation.
- (52) "Trenchless (Untrenched)" means installed without breaking the ground or pavement surface by a construction method such as directional drilling, boring, tunneling, jacking, or auguring.
- (53) "UDOT" is the Utah Department of Transportation and where referenced to be contacted, submitted to, approved by accepted by or otherwise engaged, means an authorized representative.
- (54) "Utility" or "utility facility" means privately, publicly, cooperatively, or municipally owned pipelines, facilities, or systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, petroleum products, cable television, water, sewer, steam, waste, storm water not connected with highway drainage, and other similar commodities, which directly or indirectly service the public, or any part thereof.
- (55) "Utility appurtenances" include but are not limited to pedestals, manholes, vents, drains, rigid markers, meter pits, sprinkler pits, valve pits, and regulator pits.
- (56) "Utility company" is a privately, cooperatively, or publicly owned utility, including utilities owned by political subdivisions, and where referenced includes authorized representatives, contractors, and agents.
- (57) "Vent" is an appurtenance designed to discharge gaseous contaminants from a casing.

R930-7-4. Scope.

- (1) This rule supersedes portions of Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights of Way including Section 5 and portions relating to utility accommodation or that refer to utilities in the right of way or percent of reimbursement, which are part of R930-6 at the time of enactment of this rule.
- (2) Regulations, laws, or orders of public authority or industry code prescribing a higher degree of protection or construction than provided by this rule shall govern.

R930-7-5. Application.

(1) This rule applies to privately, cooperatively, and publicly owned utility companies, including utility companies owned by political subdivisions, and shall include telecommunication, gas, oil, petroleum, electricity, cable television,

- water, sewer, data and video transmission lines, drainage and irrigation systems, and other similar utilities to be located, accommodated, adjusted or relocated within, on, along, across, over, through, or under the highway right of way. This rule does not apply to utility facilities that are required for UDOT highway purposes. This rule applies to underground, surface, or overhead facilities, either singularly or in combination, including bridge attachments.
- (2) The rule applies to Federal-aid highway projects including local government projects. In compliance with 23 CFR 649,209(g) local governments are required to enter into formal agreements with UDOT that provide for a degree of protection to the highway at least equal to the protection provided by this rule.

R930-7-6. General Installation Requirements.

- (1) General.
- (a) Utility companies desiring to use right of way under the jurisdiction of UDOT for the installation or maintenance of any utility facility must be licensed to do so by entering into a license agreement with UDOT. This statewide agreement sets forth the procedures and conditions for the issuance of encroachment permits for all installations statewide. Encroachment permits are not issued without a license agreement first being executed. UDOT may impose additional restrictions or requirements for license agreements or encroachment permits.
- (b) A permitted facility shall, if necessary, be modified by the utility company to improve safety or facilitate alteration or maintenance of the right of way as determined by UDOT.
- (2) License Agreements or Statewide Utility License Agreements.
- (a) Agreements are executed by UDOT and utility companies to set forth the terms and conditions for the accommodation and maintenance of utility facilities within the right of way. A license agreement is required for, but does not guarantee the approval of encroachment permits.
- (b) As part of executing a license agreement with UDOT, owners of facilities located in the right of way are required to post a continuous bond in the amount of \$100,000, naming UDOT as the insured, to guarantee satisfactory performance. The Statewide Utilities Engineer may approve a lesser amount. Failure by a utility company to maintain a valid bond in the amount required is cause for denying issuance of future permits to that utility company, and for the removal of that utility company's facilities from the right of way.
- (c) A public utility is exempt from the bond requirements described in this section if the public utility:
 - (i) is a member of the municipal insurance pool;
 - (ii) is a political subdivision; or
- (iii) carries liability insurance with minimum coverage of \$1,000,000 per occurrence and as more specifically described in its License Agreement.
- (d) Upon discovery of utility caused damage to the highway or to the right of way, UDOT may opt to exercise its bonding rights in recovering costs incurred to restore the highway or right of way. The utility company is liable for all restoration costs incurred as a result of damages caused by its utility, and its liability is not limited to the amount of the bond.
- (e) License agreements may be terminated at any time by either party upon 30 days advance written notice to the other.

Permits previously issued and approved under a terminated agreement are not affected and remain in effect on the same terms and conditions set forth in the agreement and permits. The obligation to maintain the \$100,000 bond continues until the utility company's facilities are removed from UDOT's right of way.

(3) Emergency Work.

(a) In all emergency work situations, the utility company or its representative shall contact UDOT immediately and on the first business day shall contact UDOT to complete a formal permit. Failure to contact UDOT for an emergency work situation and obtain an encroachment permit within the stated time period is considered to be a violation of the terms and conditions of the utility company's license agreement. At the discretion of the utility company, emergency work may be performed by a bonded contractor, public agency, or a utility company. None of the provisions of this rule are waived for emergency work except for the requirement of a prior permit.

(4) One Call Requirements.

- (a) Underground facilities are not permitted within the right of way unless the utility company subscribes to Blue Stakes of Utah and other appropriate "call-before-you-dig" systems, or otherwise provides utility plans as detailed in Section R930-7-11(6) (a) of this rule.
 - (5) Preservation of New Pavement.
- (a) Cuts or open excavations on newly constructed, paved, or overlaid highways are not allowed for two years. If an emergency cut or excavation occurs, the responsible utility company shall comply with any special conditions imposed by UDOT regarding restoration of the roadway.
 - (6) Encroachment Permits.
 - (a) Encroachment Permits on State Highways.

Utility companies shall obtain an encroachment permit from UDOT for the installation and maintenance of utility facilities on the right of way. Encroachment permits are approved or disapproved by UDOT. Applications for encroachment permits are submitted to the Region Permits Officers by the utility company or its contractor. No utility company or utility company contractor shall begin any utility work on the right of way until an approved encroachment permit is issued by UDOT and the utility company is authorized to proceed in writing. Prior to the issuance of encroachment permits, fees are assessed to cover related costs incurred by UDOT including costs for planning, coordination, and utility plan review.

If the utility company expects work to significantly impact travel lane capacity, UDOT recommends the utility company contact the appropriate Region Permit Office to discuss concepts in advance of submitting an encroachment permit application.

Utility companies shall submit two sets of plans depicting the proposed installation. The plans shall be sized as required by UDOT and include utility company identification, work location, utility type and size, type of construction, vertical and horizontal location of facilities relative to the centerline of road, location of all appurtenances, trench details, right of way limits, and traffic control plans. Traffic control plans shall conform to the Utah MUTCD as outlined in Section R930-7-7(1)(d), are mandatory for each instance of utility construction or maintenance, and shall be attached to each permit application.

<u>Utility companies may authorize their contractors to obtain permits on their behalf. All terms and conditions set forth in </u>

the license agreement apply. The utility company's construction forces or the utility contractor shall carry a copy of the approved permit at all times while working on the right of way.

- (b) Bonding and Liability Insurance Requirements.
- (i) Individual Encroachment Permit Bonding Requirements. As authorized by Sub-section 72-7-102(3)(b)(i) this rule requires encroachment permit applicants to post a Performance and Warranty or Maintenance Bond, using UDOT's approved bond form, for a period of three years from the date of beginning of work or two years from the end of work, whichever provides the longer period of coverage. A Performance and Warranty Bond is required for each individual encroachment permit. Political subdivisions of the state are not required to post a bond unless the political subdivision fails to meet the terms and conditions of previous permits issued as determined by UDOT. The amount of the bond is determined by the UDOT Region Permits Officer based on the scope of work being performed but will not be less than \$10,000.
- (ii) Statewide Encroachment Permit Bonding Option. Encroachment permit applicants who routinely acquire encroachment permits may elect to post a statewide performance and warranty or maintenance bond in lieu of posting multiple individual bonds. A statewide bond satisfies bonding requirements for work in all UDOT Regions. The bond amount is determined by UDOT but will not be less than \$100,000. A valid statewide bond period shall be not less than three years and will meet bonding requirements for UDOT permits for a period of one year from date of issue. Encroachment permit applicants may submit a replacement statewide bond on an annual basis provided the bond period is not less than three years at time of replacement.
- (iii) Inspection Bond. UDOT may require an additional inspection bond to ensure payment for UDOT field review and inspection costs before an encroachment permit is granted.
- (iv) Proceeds Against the Bond. UDOT may proceed against the bond to recover all expenses incurred if payment is not received from the permit applicant within 45 calendar days of receiving an invoice. Upon discovery of utility caused damage to the highway or to the right of way, UDOT may opt to exercise its bonding rights in recovering costs incurred to restore the highway or right of way due to utility caused damages. Failure by the utility company to maintain a valid bond in the amounts required shall be cause for denying issuance of future permits and for the removal of the utility from the right of way.
- (v) Liability Insurance Requirements. Permit applicants are also required to provide a certificate of liability insurance in the minimum amounts of \$1,000,000 per occurrence and \$2,000,000 in aggregate. Failure to meet this requirement will result in application denial. Liability insurance coverage is required throughout the life of the permit and cancellation will result in permit revocation.
- (vi) Information about bond forms and liability insurance requirements are available on UDOT's website at: http://www.udot.utah.gov/go/encroachmentpermit
- (c) Cancellation of Permits. Any failure on the part of a utility company to comply with the terms and conditions set forth in the license agreement or the encroachment permit may result in cancellation of the permit. Failure to pay any sum of money for costs incurred by UDOT in association with installation or construction review, inspection, reconstruction, repair, or maintenance of the utility facilities may also result in cancellation

of the permit. UDOT also may remove the facilities and restore the highway and right of way at the sole expense of the utility company. Prior to any cancellation, UDOT shall notify the utility company in writing, setting forth the violations, and will provide the utility company a reasonable time to correct the violations to the satisfaction of UDOT.

- (d) Assignment of Permits. Permits shall not be assigned without the prior written consent of UDOT. All assignees shall be required to file a new permit application.
- (e) Indemnification. Permit holders performing utility work on the right of way shall, at all times, indemnify and hold harmless UDOT, its employees, and the State of Utah from responsibility for any damage or liability arising from their construction, maintenance, repair, or any other related operation during the work or as a result of the work. Permit holders shall also be responsible for the completion, restoration, and maintenance of any excavation for a period of three years unless UDOT requires a longer period of indemnification due to specific or unique circumstances.

R930-7-7. General Design Requirements.

- (1) General.
- (a) Joint use of state right of way may impact both the highway and the utility. Each utility company requesting the use of right of way for the accommodation of its facilities is responsible for the proper planning, engineering, design, construction, and maintenance of proposed installations. The utility company shall coordinate with UDOT and develop its projects to meet design standards and to optimize safety, cost effectiveness, and efficiency of operations for both the utility company and the state. Utility companies are directed to the following AASHTO publications for assistance:
 - (i) Roadside Design Guide;
- (ii) A Policy on Geometric Design of Highways and Streets;
- (iii) A Guide for Accommodating Utilities within Highway Right of Way; and
- (iv) A Policy on the Accommodation of Utilities within Freeway Right of Way.
- (b) The utility company is responsible for the design, construction, and maintenance of its facilities installed within the right of way. All elements of these facilities including materials used, installation methods, and locations shall be subject to review and approval by UDOT.
- (c) Plans, Drawings and Specifications. The utility company shall provide UDOT with comprehensive plans, drawings and specifications as may be required for all proposed utility facilities within the right of way. Utility plan submittals shall contain physical features of the utility site including, but not limited to the following:
 - (i) highway route number;
 - (ii) highway mile post locations;
 - (iii) map with route and site location;
- (iv) existing features such as manholes, structures, drainage facilities, other utilities, access controlled and right of way lines, center line of highway relative to the utility facility location, and relevant vertical information;
 - (v) plan and drawing scales; and
 - (vi) legend including definition of symbols used.

- The plans, drawings, and specifications shall also contain administrative information, identification and type of materials to be used, relevant information on adjacent land classification and ownership, related permits and approvals if required, and identification of the responsible Engineer of Record.
- (d) Traffic Control Plans. The utility company shall provide traffic control plans (TCP) that conform to the current Utah MUTCD and UDOT Traffic Control Standards and Specification.
- (e) The utility company is responsible to ensure compliance with industry codes and standards, the conditions and special provisions specified in the permit, and applicable laws, rules and regulations of the State of Utah and the Code of Federal Regulations.
- (f) All utility facility installations located in, on, along, across, over, through, or under the surface of the right of way, including attachments to highway structures, are the responsibility of the utility company and, as a minimum, shall meet the following utility industry and governmental requirements.
- (i) Electric power and communications facilities shall conform to the current applicable National Electric Safety Code.
- (ii) Water, sewage and other effluent lines shall conform to the requirements of the American Public Works Association or the American Water Works Association.
- (iii) Pressure pipelines shall conform to the current applicable sections of the standard code of pressure piping of the American National Standards Institute, 49 CFR 192, 193 and 195, and applicable industry codes.
- (iv) Liquid petroleum pipelines shall conform to the current applicable recommended practice of the American Petroleum Institute for pipeline crossings under railroads and highways.
- (v) Any pipelines carrying hazardous materials shall conform to the rules and regulations of the U.S. Department of Transportation governing the transmission of the materials.
- (vi) Telecommunications with longitudinal installations within Interstate, Freeway and other Access Controlled Highway right of way shall conform to R907-64.
 - (2) Subsurface Utility Engineering.
- (a) The use of Subsurface Utility Engineering (SUE) shall be required as an integral part of the design for new utility facility installations on the right of way when determined by UDOT to be warranted.

R930-7-8. Definitive Design Requirements.

- (1) Location Requirements.
- (a) Longitudinal Installations. The type of utility construction, vertical clearances, lateral location of poles and down guys, and related ground mounted utility facilities along roadways are factors of major importance in preserving a safe traffic environment, the appearance of the highway, and the efficiency and economy of highway construction and maintenance. Longitudinal utility facilities shall be located on a uniform alignment and as close to the right of way line as practicable. The joint use of pole lines is acceptable and encouraged; however, all installations shall be located so that all servicing may be performed with minimal traffic interference. The following additional requirements apply to longitudinal installations.
- (i) Utility facilities shall be located so as to minimize the need for future utility relocations due to highway improvements.

avoid risks to the highway, and not adversely impact environmentally protected areas.

- (ii) The location of utility installations along urban streets with closely abutting structures such as buildings and signs generally requires special considerations. These considerations shall be resolved in a manner consistent with the prevailing limitations and as approved by UDOT.
- (iii) The location of utility facilities and associated appurtenances shall be in accordance with the Americans with Disabilities Act.
- (iv) The horizontal location of utility facilities and appurtenances within the right of way shall conform to the current edition of the AASHTO Roadside Design Guide.
- (v) Adequate warning devices, barricades, and protective devices must be used to prevent traffic hazards. Where circumstances necessitate the excavation closer to the edge of pavement than established above, concrete barriers or other UDOT approved devices shall be installed for protection of traffic in accordance with UDOT Traffic Control Standards and UDOT's Supplemental Drawings.
- (vi) There are greater restrictions on the accommodation of utility facilities within interstate, freeway, and other access controlled highway right of way. See Section R930-7-10 for details.
 - (b) Overhead Installations.
- (i) Minimal vertical clearances for installed overhead lines are 18 feet for crossings and 23 feet for intersections. In addition, the vertical clearance for overhead lines above the highway and the vertical and lateral clearance from bridges and above ground UDOT facilities shall meet or exceed the current edition of the National Electrical Safety Code. Where overhead lines cross UDOT above ground facilities, including but not limited to signs, traffic signal heads, poles, and mast arms, vertical and lateral clearance shall meet OSHA working clearances for electrical lines in effect at the time of the installation which will accommodate maintenance work by UDOT personnel without having to discharge or shield the lines.
- (ii) Utility companies planning to attach cable to other utility company poles shall obtain approval from the owner of the poles prior to a permit being issued by UDOT.
- (iii) The utility facility shall conform to the current edition of the AASHTO Roadside Design Guide. Where there are existing curbed sections, utility facilities shall be located as far as practicable behind the face of curbs and, where feasible, behind sidewalks at locations that will not interfere with adjacent property use. In all cases there shall be a minimum of two feet clearance behind the face of the curb. All cases shall be resolved in a manner consistent with prevailing limitations and conditions.
- (iv) Before locating a utility facility at other than the right of way line, consideration shall be given to designs using self-supporting, armless single pole construction, with vertical alignment of wires or cables, or other techniques permitted by government or industry codes that provide a safe traffic environment. Deviations from required clearances may be made where poles and guys can be shielded by existing traffic barriers or placed in areas that are inaccessible to vehicular traffic.
- (v) Where irregular shaped portions of the right of way extend beyond or do not reach the normal right of way limits, variances in the location of utility facilities may be allowed to

- maintain a reasonably uniform alignment and thereby reduce the need for guys and anchors between poles and roadway.
 - (c) Subsurface Installations.
- (i) Underground utilities may be placed longitudinally outside of the pavement by plowing or open trench method. Underground utilities shall be located on a uniform alignment and as near as practicable to the right of -way line to provide a safe environment for traffic operations, preserve the integrity of the highway, and preserve space for future highway improvements or other utility facility installations. The allowable distance from the right of way line will generally depend upon the terrain and obstructions such as trees and other existing underground and overhead objects. On highways with frontage roads, longitudinal installations shall be located between the frontage roads and the right of way lines. Utility companies shall include the placement of markers referenced in Section R930-7-11(5).
- (ii) Unless UDOT grants a deviation, underground utility installations across existing roadways shall be performed by trenchless method in accordance with UDOT requirements and casings may be required. Pits shall be located outside of the clear zone and at least 30 feet from the edge of the nearest through traffic lane and at least 20 feet from the edge of pavement on ramps. On low traffic roadways and frontage roads, as determined by UDOT, bore pits shall be at least ten feet from the edge of pavement, five feet beyond toe of slope under fill sections and at least five feet from the face of curb and meet clear zone requirements from the edge of the traveled way whichever is greater. Bore pits shall be located and constructed so as to eliminate interference with highway structural footings. Shoring shall be used where necessary.

TABLE 1 Bore Pit Locations

Bore Pit Set Back	<u>Outside Clear Zone</u>		
At least ten feet from the edge	At least 30 feet from the		
of pavement, five feet beyond	edge of the nearest through		
toe of slope under fill sections	traffic lane and at least 20		
and at least five feet from the	feet from the edge of		
face of curb	pavement on ramps.		

- (iii) The depth of bury for all utility facilities under pavement shall be a minimum of four feet below the top of pavement or existing grade including open drainage features. Where utility facilities are installed within 20 feet from the edge of pavement, the depth of bury shall be a minimum of five feet below top of grade so as to allow for installation of UDOT signs or delineators. Utility facilities under sidewalks shall be installed a minimum of three feet below the top of sidewalk.
- (iv) Utility facilities installed greater than 20 feet from the edge of pavement shall be installed a minimum depth of three feet below grade. Specific types of facilities such as high pressure gas lines or petroleum lines may require additional cover.
- (v) All underground utilities installed in the right of way must meet the minimum standards for compaction as outlined in the current edition of the UDOT Standards and Specifications for Road and Bridge Construction.
- (vi) Where minimum depth of bury is not feasible, the facility shall be rerouted or, if permitted by UDOT, protected with a casing, encasement, concrete slab, or other suitable protective measures.

TABLE 2

SUMMARY OF UDOT DEFINITIVE UTILITY REQUIREMENTS
MINIMUM DEPTH OF BURY
Longitudinal and Crossing Installations
All underground utilities (cased and uncased)

Under	Under	Under	Less than	Greater than
Pavement	Sidewalks	Ditch	20 ft.	20 ft.
Surface			from edge	from edge
			of pavement	of pavement
Min. of	Min. of	Min. of	Min. of five	Min. of three
Min. of four ft.	Min. of three ft.		Min. of five ft. below	Min. of three ft. below
four ft.	three ft. below top	three ft.	ft. below	ft. below

(d) Crossings.

- (i) Utility crossings shall be at 90 degrees unless a deviation is approved by UDOT. Crossing installations under paved surfaces shall be by trenchless methods. Jetting by means of water or compressed air is not permitted.
- (ii) Utility crossings shall be avoided in deep roadway cuts, near bridge footings, near retaining and noise walls, at highway cross drains where flow of water may be obstructed, in wet or rocky terrain where it is difficult to attain minimum cover, and through slopes under structures.
 - (e) Median Installations.
- (i) Overhead utility facilities such as poles, guys, or other related facilities shall not be located in highway medians. Deviations may be considered for crossings where wide medians provide for sufficient space to meet clear zone requirements from the edges of the travelled ways.
 - (f) Appurtenances.
- (i) Utility appurtenances shall be located outside the clear zone and as close to the right of way line as practicable. Where these requirements cannot be met and no feasible alternative exists a deviation to locate appurtenances within the clear zone in areas that are shielded by traffic barriers may be considered after the utility company provides written justification for such location for UDOT review. Cabinets, regulator stations, and other similar utility components shall not be located on the right of way unless they are determined by UDOT to be sufficiently small to allow a deviation.
- (ii) Manholes, valve pits, and similar appurtenances shall be installed so that their uppermost surfaces are flush with the adjacent undisturbed surface.
- (iii) Utility access points and valve covers shall be located outside the roadway where practicable. In urbanized areas where no feasible alternative to locating utility access points and valve covers outside of the roadway exists, the utility company must coordinate with UDOT to meet safety, operational, and maintenance requirements of both the utility company and UDOT.
- (iv) Utility companies shall avoid placing manholes in the pavement of high speed and high volume highways. Deviations may be considered after written justification for such location is submitted by the utility company and reviewed and approved by UDOT. New manhole installations shall be avoided at highway intersections and within the wheel path of traffic lanes.
- (v) Vents, drains, markers, utility access holes, shafts, shut-offs, cross-connect boxes, pedestals, pad-mounted devices, and

- similar appurtenances shall be located along or across highway rights of way in accordance with the provisions of the Americans. With Disabilities Act.
 - (2) Environmental Compliance.
- (a) The utility company shall comply with all applicable state and federal environmental laws and regulations, and shall obtain necessary permits. Environmental requirements include but are not limited to the following.
- (i) Water Quality. A "Storm Water General Permit for Construction Activities" is required from the Utah Division of Water Quality for disturbances of one or more acres of ground surface.
- (ii) Wetlands and Other Waters of the U.S. A "Section 404 Permit" is required from the U.S. Army Corps of Engineers for any impact to a wetland or water of the U.S.
- (iii) Threatened or Endangered (T and E) Species. Comply with the Endangered Species Act; avoid impacts to T and E species or obtain a Permit from the U. S. Fish and Wildlife Service.
- (iv) Historic and Archaeological Resources. Comply with the "National Historic Preservation Act"; avoid impacts to historic and archaeological resources. If resources could be impacted, contact the Utah State Historic Preservation Office.
- (b) The utility company is responsible for environmental impacts and violations resulting from construction activities performed by the utility company or its contractors.
- (c) If UDOT discovers or is made aware of a violation by the utility company or a failure to comply with state and federal environmental laws, regulations and permits, UDOT may revoke the permit, notify appropriate agencies, or both.
 - (3) Installation of Utilities in Scenic Areas.
- (a) The type, size, design, and construction of utility facilities in areas of natural beauty shall not materially alter the scenic quality, appearance, and views from the highway or roadsides. These areas include scenic strips, overlooks, rest areas, recreation areas, adjacent rights of way and highways passing through public parks, recreation areas, wildlife and waterfowl refuges, and historic sites. Utility installations in these areas shall not be permitted. Deviation from this requirement may be allowed if there is no reasonable or feasible alternative as determined by UDOT based on written justification submitted by the utility company. On Federal-aid highways, all decisions related to utility installations within these areas shall be subject to the provisions detailed in 23 CFR 645.209(h).
- (i) New underground utility installations may be permitted within scenic strips, overlooks, scenic areas, or in the adjacent rights of way, when they do not require extensive removal, or alteration of trees, and other shrubbery visible to the highway user, or do not impair the scenic appearance of the area.
- (ii) New overhead installations of communication and electric power lines are not permitted in such locations unless there is no feasible and reasonable alternative as determined by UDOT. Overhead installations shall be justified to UDOT by demonstrating that other locations are not available and that underground facilities are not technically feasible, economical or are more detrimental to the scenic appearance of the area.
- Any installation of overhead facilities shall be made at a location and in a manner that will not detract from the scenic quality of the area being traversed. The installation shall utilize a suitable design and use materials aesthetically compatible to the scenic area, as approved by UDOT.

- (4) Casing and Encasement Requirements.
- (a) General. A carrier pipe is sometimes installed inside of a larger diameter pipe defined as a casing. Casings are typically used to provide complete independence of the carrier pipe from the surrounding roadway structure, and to provide adequate protection to the roadway from leakage of a carrier pipeline. It also provides a means for insertion and replacement of carriers without access or disturbance to through-traffic roadways.
 - (b) Casing requirements for crossing installations.
- (i) All pipelines under pressure crossing under the roadbed of highways shall be in casings unless the pipeline is welded steel, meets industry corrosion protection standards, complies with federal and state requirements, and meets accepted industry standards regarding wall thickness and operating stress levels. In some cases UDOT may require a casing regardless of these exceptions if needed to protect the roadway, maintain public safety, or both.
- (ii) In urban areas where space is limited for venting or where small pipelines are crossing, specifically intermediate high pressure lines, deviations for casing may be granted by UDOT.
- (iii) Where a casing is required, it must be provided under medians, from top of back-slope to top of back-slope for cut sections, five feet beyond toe of slope under fill sections, five feet beyond face of curb in urban sections and all side streets, and five feet beyond any structure where the line passes under or through the structure. Deviations must be approved by UDOT. On freeways, expressways, and other access controlled highways, casings shall extend to the access control lines.
- (iv) Utility installations by trenchless technologies, such as jacking, boring, or horizontal directional drilling methods, may be placed under highways without a casing pipe if approved by a UDOT representative.
- (v) Where minimum bury is not feasible, the facility shall be rerouted or protected with a casing, concrete slab, or other suitable measures as determined by UDOT.
- (c) Casings shall be considered for the following conditions:
- (i) as an expediency in the insertion, removal, replacement, or maintenance of carrier pipe crossings of freeways, expressways, and other access controlled highways, and at other locations where it is necessary to avoid trenched construction;
- (ii) as protection for carrier pipe from external loads or shock either during or after construction of the highway; and
- (iii) as a means of conveying leaking fluids or gases away from the area directly beneath the roadway to a point of venting at or near the right of way line, or to a point of drainage in the highway ditch or a natural drainage way.
- (d) UDOT may require casings for pressurized carriers or carriers of a flammable, corrosive, expansive, energized, or unstable material.
- (e) Trenchless installations of coated carrier pipes shall be cased. Permission to deviate from this requirement may be granted where assurance is provided against damage to the protective coating.
- (f) Encasement or other suitable protections shall be considered for pipelines with less than minimum cover, such as those near bridge footings or other highway structures, or across unstable or subsiding ground, or near other locations where hazardous conditions may exist.

- where support of pavement structure may be impaired by depression of flexible carrier pipe. Casings shall be designed to support the load of the highway and superimposed loads thereon and, as a minimum, shall be equal to or exceed the structural requirements of UDOT highway culverts in the UDOT Bridge Design Manual.
- (h) Casings shall be sealed at the ends using suitable material to prevent water and debris from entering the annular space between the casing and the carrier. Such installations shall include necessary appurtenances, such as vents and markers.
- (5) Mechanical and Other Protective Measures for Uncased Installation.
- (a) When highway pipeline crossings are installed without casings or encasement, the following are suggested controls for providing mechanical or other protection.
- (i) The carrier pipe shall conform to utility material and design requirements and utility industry and government codes and standards. The carrier pipe shall be designed to support the load of the highway plus superimposed loads operating under all ranges of pressure from maximum internal to zero pressure. Such installations shall use a higher factor of safety in the design, construction, and testing than would normally be required for cased construction.
- (ii) Suitable bridging, concrete slabs, or other appropriate measures shall be used to protect existing uncased pipelines which may be vulnerable to damage from construction or maintenance operations. Construction or maintenance activities shall not proceed until protective measures are approved by UDOT.
- (b) Uncased crossings of welded steel pipelines carrying flammable, corrosive, expansive, energized, or unstable materials may be permitted if additional protective measures are taken in lieu of encasement. Such measures shall use a higher factor of safety in the design, construction, and testing of the uncased carrier pipe, including thicker wall pipe, radiograph testing of welds, hydrostatic testing, coating and wrapping, and cathodic protection.

R930-7-9. Utilities on Highway Structures.

(1) General.

(a) The installation of utility facilities on highway structures can adversely impact the integrity and capacity of the structure, the safe operation of traffic, maintenance efficiency, and the aesthetic appeal of the structure. Utility facilities shall not be installed on highway structures except in extreme cases. When installation of utilities at an alternate location exceeds the cost of attaching to the structure by four times, UDOT will consider such an installation. The utility company shall submit documentation requesting installation on highway structures to the UDOT Structures Division for review and approval. Attachment of a utility facility will only be considered if the structure is adequate to support the additional load. This adequacy must be verified by a load rating completed by the utility company following UDOT's Load Rating Policies and Procedures, submitted to UDOT along with the necessary documentation including calculations and a load rating model.

Installing utility facilities within 50 feet of structures may impact the design, installation, operation, maintenance and safety of the structures, and the utility facilities. Utility companies shall address potential impacts when projects are proposed to ensure

compatibility between utility facilities and UDOT structures and to assure all relevant utility industry codes and UDOT structural requirements are adequately addressed.

- (2) Installation on Highway Structures.
- (a) If UDOT allows a structure installation, it shall be at a location and of a design subject to review and approval by UDOT's Structures Department. Utility installations on structures shall not be considered unless the structure is of a design that is adequate to support the additional load and can accommodate the utility without compromising highway features. In addition, the utility installation shall be subject to the following requirements.
- (i) Due to variations in highway structure designs, site-specific conditions, and other considerations, there is no standardized method by which utilities are installed on structures. Therefore, each proposed installation shall be considered on its individual merits and shall be individually designed for the specific structure.
- (ii) Where installations of pipelines carrying hazardous materials are allowed, the pipeline shall be cased. The casing shall be open or vented at each end so as to prevent possible build-up of pressure and to detect leakage. Where located near streams, casings shall be designed and installed so that leakage does not compromise the stream. If a deviation is allowed for no casing, additional protective measures shall be used including higher standards for design, safety, construction and testing of the pipeline than would normally be required for cased construction.
- (iii) All pipeline installations carrying gas or liquid under pressure which by their nature may cause damage or injury if leaked, shall be installed with emergency shutoff valves. Such valves shall be placed within an effective distance on each side of the structure, as approved by UDOT, and shall be automatic if required by UDOT.
- (iv) Utility installations on highway structures shall not reduce vertical clearances above rivers, streams, roadway surfaces or rails. Installations should be designed to occupy a position beneath the deck in an interior bay of a girder or beam, or within a cell of a box girder bridge. Installations shall always be above the bottom of girders on a girder bridge or above the bottom of the bottom cord of a truss bridge. Utility installations outside of a bridge structure are unsightly and susceptible to damage and will only be approved by UDOT if there is no reasonable alternative.
- (v) All utility facilities installed on highway structures shall be constructed of durable materials, designed with a long life expectancy, and must be installed in a manner that will minimize routine servicing and maintenance.
- (vi) Utility facility mountings shall be of sufficient strength to carry the weight of the utility and shall be of a design and type that will not rattle or loosen due to vibrations caused by vehicular traffic. Acceptable utility installation methods are hangers or roller assemblies suspended either from inserts from the underside of the bridge floor or from hanger rods clamped to the flange of a superstructure member. Bolting through the bridge floor is not permitted. Where there are transverse floor beams sufficiently removed from the underside of the deck, the utility placement shall allow adequate clearance to enable full inspection of both the deck and the utility line. UDOT may consider a proposal to support the utility line on top of the floor beams.
- (vii) Communication and electric power line installations shall be suitably insulated, grounded, and preferably carried in

- protective conduit or pipe from the point of exit from the ground to re-entry. Cable shall be carried to a manhole located beyond the back-wall of the structure. Access manholes are not allowed in a bridge deck.
- (viii) Utility installations shall provide for lineal expansion and contraction due to temperature variations in conjunction with bridge movement.
- (ix) All utility facility clearances from structure members must conform to all governing codes and shall not render any portion of the structure inaccessible for maintenance purposes.
- (x) The utility company shall be responsible for restoration or repair of any portion of a structure or highway damaged by utility facility installation or use.
- (xi) The expansion of an existing utility facility carried by an existing structure may be permitted if the expansion does not adversely impact the performance and load carrying capacity of the structure and otherwise complies with this rule.
 - (3) Utility Company Responsibilities.
- (a) It is the responsibility of the utility company to obtain approval for a highway structure installation. The utility company shall ascertain the extent of UDOT's requirements prior to initiating the design for installation. A Utah registered Professional or Structural Engineer shall be responsible for the design if the installation is allowed. The utility company must prepare and submit complete design documents showing all details of the proposed work. These documents shall include plans, calculations, updated load rating with a Virtis load rating model, the permit application, and any other necessary information. The utility company shall be responsible for protecting, maintaining or relocating its utility installation, including the arrangement of service interruptions, to accommodate future UDOT structure work.
- (b) All materials incorporated in the design must be certifiable for quality and strength and full specifications must be provided in support of the design.
- (c) Adequate written justification must support the need for installing the utility facility on the structure and demonstrate that there is no viable cost-effective alternative.
- (d) All components of the utility attachment shall be protected from corrosion. Steel components shall be stainless, galvanized or painted in accordance with the current UDOT Standard Specifications for Highway and Bridge Construction.

R930-7-10. Utilities within Interstate, Freeway and Access Controlled Right-of-Way.

- (1) General Provisions. There are two basic types of access control.
- No Access does not allow access to the through-traffic lanes except at interchanges. Crossings at grade and direct driveway connections are prohibited. Access is controlled by fencing. This is typical of interstates and freeways.
- Limited Access provides access to selected roads. There may be some crossings at grade and some private driveway connections. This is typical of expressways and certain other highways.
- (2) Factors UDOT may consider for allowing accommodation include distance between distribution points, terrain, cost, and prior existence.
- (3) Longitudinal telecommunication installations may be allowed under Rule R907-64.

(4) Pursuant to FHWA regulations, UDOT may allow longitudinal accommodation of utility facilities but with greater restrictions within no access and limited access highway right of way as follows:

- (a) No access: longitudinal installations on highways with no access are not permitted except in cases where no other feasible location exists and under strictly controlled circumstances. FHWA approval is required for installations on interstate facilities; and
- (b) Limited Access: longitudinal installations on highways with limited access are generally not permitted. When such installations are allowed, individual service connections are not permitted unless no other reasonable alternatives exist.
- (5) Utility facilities are allowed to cross no access and limited access highway right-of-way but with additional requirements as noted below in Section R930-7-10(7).
 - (6) Longitudinal Utility Facilities.
- (a) In addition to the requirements in Section R930-7-8(1)(a), the following requirements apply.
- (i) Service connections are not permitted within no access highway right of way. Service connections are not permitted within limited access highway right of way unless no reasonable alternative exists as demonstrated by the utility company and as reviewed and approved by UDOT.
- (ii) Service, maintenance, and operation of utilities installed along and within no access highway right of way may not be conducted from the through-traffic roadways or ramps. All maintenance activities must be accessed from a point approved by UDOT and FHWA.
- (iii) An existing utility facility within the right of way acquired for an interstate, freeway, or access controlled highway project may remain if it can be serviced, maintained, and operated without access from the through-traffic roadways or ramps, and it does not adversely affect the safety, design, construction, operation, maintenance, or stability of the interstate, freeway, or access controlled highway. Otherwise, it shall be relocated.
- (iv) Where approval for installation is permitted, utility installations and related components shall be buried parallel to the interstate, freeway, or access controlled highway and shall be located within five feet of the outer most right of way limits. Utility appurtenances shall be located as close as possible to the right of way line.
- (v) An existing utility carried on an interstate, freeway, or access controlled highway structure crossing a major valley or river may be permitted by UDOT to continue to be carried at the time the route is improved if the utility facility is serviced without interference to the traveling public.
 - (7) Utility Crossings.
- (a) In addition to the requirements in Section R930-7-8(1)(d), the following requirements apply.
- (i) A utility following a crossroad or street which is carried over or under an interstate, freeway, or access controlled highway must cross the interstate, freeway, or access controlled highway at the location of the crossroad or street in such a manner that the utility can be serviced without access from the throughtraffic roadways or ramps.
- (ii) Overhead utility lines crossing an interstate, freeway, or access controlled highway shall be adjusted so that supporting structures are located outside access control lines. In no case shall

- the supporting poles be placed within the clear zone. Where required for support, intermediate supporting poles may be placed in medians of sufficient width that provide the clear zone from the edges of both travelled ways. If additional lanes are planned, the clear zone shall be determined from the ultimate edges of the travelled way. When right of way lines and access control lines are not the same, such as when frontage roads are provided, supporting poles may be located in the area between them.
- (iii) At interchange areas, supports for overhead utility facilities will be permitted only if located beyond the clear zone of traffic lanes or ramps, sight distance is not impaired, and can be safely accessed.
- (iv) Manholes and other points of access to underground utilities may be permitted within the right of way of an interstate, freeway, or access controlled highway if they can be serviced or maintained without access from the through-traffic roadways or ramps. When right of way lines and access control lines are not the same, such as when frontage roads are provided, manholes and other points of access may be located in the area between them.
- (v) Where a casing is not otherwise required, it shall be considered as expedient in the insertion, removal, replacement, or maintenance of carrier pipes crossing interstate, freeways, or access controlled highways. Casings shall extend to the access control lines. See Section R930-7-8(4).
 - (8) Longitudinal Telecommunications Installation.
 - (a) Installation must comply with R907-64.
 - (9) Wireless Telecommunications Facilities.
 - (a) Facilities must comply with R907-64.

R930-7-11. Utility Construction and Inspection.

- (1) General Provisions.
- (a) The method used for utility work is generally determined by local conditions. The location, terrain, obstructions, soil conditions, topography, and UDOT standards to maintain the integrity and safety of the right of way and roadway are important considerations for the proper placing of utilities. Familiarity and compliance with this rule will facilitate the construction process for utility companies.
- (b) UDOT may perform routine inspection of utility construction work to monitor compliance with the license agreement, encroachment permit and with state and federal regulations. A permit may be revoked for cause if a utility company or contractor is not complying with the terms and limitations of the permit which will require a new permit at the contractor's expense to proceed with the work.
- (c) Costs associated with the inspection are the responsibility of the utility company. Failure to pay inspection invoices issued by UDOT may result in revocation of the permit and may require the posting of an inspection bond on future permit applications.
 - (2) Utility Construction and Maintenance.
- (a) No utility construction work by a utility company or a utility company's contractor may begin until a written encroachment permit has been issued to the utility company by UDOT.
- (b) Traffic control for utility construction and maintenance operations shall conform to UDOT's current accepted Utah MUTCD or UDOT Traffic Control Plans, whichever is more restrictive. All utility construction and maintenance operations shall be planned to keep interference with traffic to an absolute

- minimum. On heavily traveled highways, utility operations interfering with traffic shall not be conducted during periods of peak traffic flow. This work shall be planned so that closures of intersecting streets, road approaches, or other access points are held to a minimum.
- (c) The utility company shall not begin any work on UDOT right of way until the permit is issued and notice to proceed is given to the utility company by UDOT. After notice to proceed is received, the utility company shall complete construction in accordance with UDOT requirements.
- (d) When highway utility construction or maintenance activities involve existing underground utility facilities, utility company or contractor shall comply with Title 54, Chapter 8a, Damage to Underground Utility Facilities.
- (e) Utility work shall be completed within the number of days specified in the approved permit. When the work is not completed within the specified time UDOT has the option of extending the time or revoking the permit and acting on the appropriate bond to pay for completion of the work. All time extensions granted by UDOT shall be in writing.
- (f) Disturbance of areas within highway right-of-way during utility construction shall be kept to a minimum and all right of way shall be restored to the satisfaction of UDOT. All utility construction methods used within the highway right of way shall be performed in accordance with current Standard Specifications for Highway and Bridge Construction, UDOT Permit Excavation Handbook, the provisions of this rule, and encroachment permit requirements. Unsatisfactory construction work, as determined by UDOT's inspector, shall promptly be corrected to comply with appropriate standards and specifications. UDOT may issue written notification that identifies the deficiencies and the period of time to cure or correct the deficiencies. If the restoration is not performed within the specified time, UDOT may perform or have performed the corrective work and the utility company shall be responsible for all costs incurred.
- (g) The utility company shall avoid disturbing or damaging existing highway drainage facilities and is responsible for repairs, including restoration of ditch flow lines. Wherever necessary, the utility company shall provide drainage away from its own facilities to avoid damage to the highway.
- (h) The utility company is prohibited from spraying, cutting or trimming trees or other landscape elements unless specific written permission is obtained from UDOT. The approval of an encroachment permit does not include approval of such work unless the cutting, spraying, and trimming is clearly indicated on the permit application. In general, when permission is given, only light trimming will be permitted. When tree removal is approved, the stump shall be removed and the hole properly backfilled to natural ground density or restored as otherwise approved by UDOT. The work site shall be left clean and trash free. All debris shall be removed. Reseeding shall be performed in accordance with UDOT's approved schedule.
- (i) UDOT may require that any abandoned utility pipe or conduit be removed, capped, or filled with an appropriate material acceptable to UDOT.
- (j) All utility facilities located on rights of way shall be adequately maintained. Any physical modifications, relocations, additions, excavations, or impedance of traffic within the right of way shall require the submittal of a new encroachment permit

- application. No work may begin until the new encroachment permit is approved.
- (k) Restoration of the highway right of way disturbed by excavation, grading work, or other activities shall include reseeding and restoration of existing landscaping. All areas which are denuded of vegetation as a result of construction or maintenance shall be reseeded which is subject to inspection and acceptance by UDOT.
 - (3) Open Trench Construction Traversing Highways.
- (a) Open trench utility installations are not permitted unless an acceptable trenchless method is unfeasible such as in unsuitable soil conditions or extremely difficult rock. UDOT may also grant a deviation from requiring trenchless construction where older pavement is severely deteriorated.
- (b) Open trench construction on highways is limited to areas where traffic impacts are minimal. Any pavement structure broken, disturbed, cut or otherwise damaged in any way shall be removed and replaced to a design equal to or greater than the surrounding undisturbed pavement structure, or as otherwise determined by UDOT.
- (c) For open trench installations, the utility company is responsible for the restoration and maintenance of the pavement structure for three years as outlined in Section R930-7-6(6)(b), unless a deviation is granted by UDOT. When the utility company or its contractor performing the work is not equipped to or fails to properly repair the damage to the pavement structure, UDOT will repair the damage and bill the utility company for the actual costs incurred, including any administrative costs. All pavement restoration work performed by the utility company shall be completed within 48 hours after completion of the excavation and backfill.
- (d) All open trench utility installations shall conform to the applicable provisions of the current UDOT Standard Specifications for Road and Bridge Construction.
- (e) It is the utility company's responsibility to restore the structural integrity of the road bed, secure the utility facility against deformation and leakage, assure that the utility trench does not become a drainage channel, and that the backfilled trench doesn't impede or alter road drainage.
- (f) Trenches shall be cut to have vertical faces.

 Maximum width shall be two feet or the outside diameter of the pipe plus one and one-half feet on each side. All trenches shall be shored where necessary and shall meet OSHA requirements.
- (g) Bedding shall be provided to a depth of one-half the diameter of the pipe and shall consist of granular material, free from rocks, lumps, clods, cobbles, or frozen materials, and shall be graded to a firm surface without abrupt change in bearing value. Unstable soils and rock ledges shall be sub-excavated from beneath the bedding zone and replaced with suitable granular material.
- (h) Backfill shall meet the current UDOT Standard Specification 02056 Embankment, Borrow and Backfill and 03575 Flowable Fill. Additional specifications may be required by UDOT.
- (i) Pavement replacement may be performed by either the utility company or a contractor engaged by the utility company. The Region Permits Officer will determine pavement replacement requirements. The utility company is liable for three years from the date of completion of the pavement replacement for the cost of repairs if the backfill subsides or the patched pavement fails.

(j) Where a utility company fails to properly repair any. damage to the pavement structure, UDOT may repair the damage and the costs, including administrative costs, will be the responsibility of the utility company.

- (4) Trenchless Utility Construction.
- (a) Trenchless utility installations are required for all utility crossings of highways or roadways, where practicable. This construction method is required to avoid disturbing the pavement surface, particularly where underground utilities exist on major highways, expressways, or freeways. Only UDOT approved methods may be used to install a utility under a highway.
- (b) All trenchless pipeline installations shall extend under and across the entire roadway prism to a point five feet beyond the toes of the fore-slopes, borrow ditch bottom, or across the access controlled right of way lines, but never less than 15 feet from the edge of pavement or a ramp.
- (c) Water jetting or tunneling may not be used. Water-assisted or wet boring may be permitted if the utility company can demonstrate to UDOT that the operation will not adversely impact the roadway and sub-grade.
- (d) The size of a trenchless operation shall be restricted to the minimum size necessary for the utility installation and shall not exceed the utility facility diameter by more than 5% unless otherwise required based on equipment and product manufacturer's specifications. Grout or flowable fill backfill shall be used for carriers or casings and for over-breaks, unused holes or abandoned carriers or casings. The composition of the grout shall be cement mortar, a slurry of fine sand or other fine granular materials.
- (e) Portals including surface openings and bore pits shall be established safely beyond the highway surface and the clear zone so as to avoid impairing the roadway during installation of the pipeline.
- (f) Where a bulkhead seals the pipeline portal, the portal shall be suitably offset from the surfaced area of the highway. Shoring and bulkheading shall conform to applicable federal, state, and local jurisdiction construction and safety standards. Where a bulkhead is not installed in the pipeline, the portal shall be offset no less than the vertical difference in elevation between the surfaced area of the highway and the bottom of the bore pit.
- (g) The utility company shall follow manufacturer's guidelines and industry standards for equipment set-up and operation. The utility company shall assess soil conditions to determine the most appropriate installation technique. Subsurface bore paths shall be tracked and recorded by the utility company, and all failed bores shall be appropriately abandoned and backfilled by the utility company.
- (h) Drilling fluids shall be prepared and used according to fluid and drilling equipment manufacturer's guidelines. The utility company shall use fluid containment pits at both bore entry and exits points, and shall use appropriate operational controls so as to avoid heaving or loss of drilling fluids from the bore. Antifreeze additives shall be non-toxic and biodegradable products.
- (i) The utility company shall dispose of drilling fluids and other materials in permitted facilities that accept the types of chemicals and wastes used in the trenchless operations.
 - (5) Utility Markers.
- (a) The location of utility facilities within highway right of way presents certain risks to construction and maintenance activities, construction personnel, and to the facility itself when

- work in and around the area of the utility facility is in progress. To minimize risk and maximize safety, it is the utility company's responsibility to provide identification markers and tracer wire or detectable warning tape for all buried facilities located within the right of way.
- (b) A trace wire, metallic tape, or other accepted industry.

 material approved by UDOT for locating utilities with geophysical equipment shall be properly installed with all non-metallic underground lines.
- (c) The utility company shall place permanent markers identifying the location of underground utility facilities, whether they are crossing the highway or installed longitudinally along the highway. Markers shall not interfere with highway safety and maintenance operations. Preferably, markers are to be located at the right of way line if that location will provide adequate warning. The telephone number for one-call notification services to request marking the line location prior to excavation, and for emergency response, shall appear on the marker.
- (d) The utility company shall maintain its markers in good condition. Color faded markers shall be replaced as necessary so that their visibility to maintenance crews and others is not impaired.
 - (6) GPS Requirements.
- (a) It is the responsibility of the utility company to produce and maintain a set of certified reproducible plans and an electronic file showing the location of all its facilities in the right of way including overhead facilities and crossing points. The utility company is responsible to maintain an accurate file to be used by UDOT for future planning to avoid utility conflicts. These plans shall also include appropriate vertical and horizontal ties to the highway survey control.
- (b) For new facility installations, the utility company shall use a survey grade Global Positioning System (GPS) to survey their facility locations and submit an electronic file to UDOT. Specific requirements for survey data will be determined by UDOT. The location survey points shall include major junction points, manholes, valves, changes in line or grade, and any other significant feature that will facilitate installation approval and future planning activities.
- (c) If the utility company fails to provide UDOT with a set of plans and files showing the surveyed utility locations upon request then the utility company is required to secure the actual locations of their facilities at no cost to UDOT. If the utility company fails to provide the utility location information requested within ten days, UDOT may hire a Subsurface Utility Engineering (SUE) consultant to locate the utilities at the utility company's expense.

R930-7-12. Utility Relocations Required by Highway Projects.

- (1) General.
- (a) Utility companies will comply with the requirements of Sections 54-3-29 and 72-6-116, when completing utility relocations necessitated by highway projects.
- (b) This rule incorporates by reference 23 CFR Section 645, Subpart A, (November 22, 2000) for all utility relocations.
- (c) The costs incurred by UDOT and the utility companies for compliance with the federal and state statutes, rules and regulations will be included as part of utility relocation costs.

- (2) Longitudinal Telecommunications Relocations and Reimbursement.
- (a) Utility companies are required to pay all relocation costs for their telecommunications facilities granted interstate access pursuant to Section 72-7-108.

R930-7-13. Deviations.

- (1) Deviations from provisions of this rule may be allowed if they do not violate state and federal statutes, law, or regulations and UDOT has determined the use of the right of way will be for the public good without compromising the transportation purposes of the right of way.
- (2) Requests for deviations with limited impact may be considered by UDOT on an individual basis, upon justification submitted by the utility company.
- (3) Requests for significant deviations must demonstrate extreme hardship and unusual conditions and provide justification for the deviation. Requests must demonstrate that alternative measures can be specified and implemented and still fulfill the intent of state and federal regulations. Requests for these deviations must include the following:
 - (a) formal request by the utility company; and
- (b) an evaluation of the direct and indirect design, safety, environmental, and economic impacts associated with granting a deviation.
- (4) In order for UDOT to grant a significant deviation the following approvals are necessary:
- (a) formal recommendation for approval by the UDOT Region Permits Officer or the officer's supervisor;

- (b) formal recommendation for approval from the UDOT Region Director;
- (c) concurrence of the UDOT Statewide Utilities
 Engineer; and
- (d) FHWA concurrence if the deviation applies to a utility facility located within a Federal-aid highway right of way.

R930-7-14. Enforcement.

- (1) This rule is subject to enforcement pursuant to and as provided for in Utah Code, and may include, but not be limited to the following:
- (a) administrative citations, in letter form, citing non-compliance items and proper redress requirements, including notice that UDOT may take whatever action is necessary to rectify the situation and subsequently submit a claim against the appropriate bond to recover from the utility company actual costs incurred by UDOT;
- (b) increased bonding levels to recoup potential restoration costs on current or future utility projects;
- (c) denial of future permits until past non-compliance is resolved; and
- (d) legal action to secure reimbursement from the utility company for costs incurred by UDOT due to damages to the right of way or noncompliance with the permit.

KEY: right-of-way, utilities, utility accommodation
Date of Enactment or Last Substantive Amendment: 2012
Authorizing, and Implemented or Interpreted Law: 72-6-116(2)

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended 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 upon filing.

Notices are governed by Section 63G-3-305.

Education, Administration **R277-401**

Child Abuse-Neglect Reporting by Education Personnel

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36639 FILED: 08/14/2012

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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary procedures for local education agencies to develop policies for reporting and participating in investigations of suspected child abuse as required by state law.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and

Legislation

EFFECTIVE: 08/14/2012

R277-407 School Fees

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36640 FILED: 08/14/2012

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 53A-12-102(1) authorizes the Utah State Board of Education (Board) to adopt rules regarding student fees and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: No written comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary standards and timelines for local education agency student fee policies, requiring both notice to parents and appropriate waivers.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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

EFFECTIVE: 08/14/2012

Education, Administration **R277-433**

Disposal of Textbooks in the Public Schools

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36641 FILED: 08/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53A-12-207 requires the Utah State Board of Education to make rules providing for the disposal of textbooks.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY

DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary procedures for school district policies consistent with state law.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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

EFFECTIVE: 08/14/2012

Education, Administration **R277-445**

Classifying Small Schools as Necessarily Existent

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36642 FILED: 08/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

EXPLANATION OF CONCISE THF PARTICUI AR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the Utah State Board of Education (Board) to adopt rules in accordance with its responsibilities and Subsection 53A-17a-109(1) requires the Board to adopt rules that govern the approval of necessarily existent small schools consistent with state law and ensure that districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary standards for classifying small schools as necessarily existent.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and

Legislation

EFFECTIVE: 08/14/2012

Education, Administration **R277-502**

Educator Licensing and Data Retention

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36643 FILED: 08/14/2012

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 53A-1-401(3) allows the Utah State Board of Education (Board) to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it specifies the types of license levels and license areas of concentration authorized by the Board and necessary procedures for obtaining an educator license.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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

EFFECTIVE: 08/14/2012

Education, Administration **R277-505**

Administrative License Areas of Concentration and Programs

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36644 FILED: 08/14/2012

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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides requirements and standards and procedures for administrative license areas of concentration and for district-specific and charter school-specific administrative areas of concentration.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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

EFFECTIVE: 08/14/2012

Education, Administration **R277-506**

School Psychologists, School Social Workers, and School Counselors Licenses and Programs

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36645 FILED: 08/14/2012

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 53A-1-402(1)(a) requires the Utah State Board of Education (Board) to make rules regarding the qualification and certification of educators and ancillary personnel who provide direct student services and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary standards for obtaining educator licenses issued by the Board for employment in the public schools as school psychologists, school social workers, and school counselors.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and

Legislation

EFFECTIVE: 08/14/2012

Education, Administration **R277-514**

Board Procedures: Sanctions for Educator Misconduct

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36646 FILED: 08/14/2012

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 53A-1-401(3) permits the Utah State Board of Education (Board) to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides a necessary appeals process for recommendations and decisions made by the Utah Professional Practices Advisory Commission and specifies procedures under which the Board may take action against an educator's license for misconduct.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and

Legislation

EFFECTIVE: 08/14/2012

Education, Administration **R277-608**

Prohibition of Corporal Punishment in Utah's Public Schools

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36647 FILED: 08/14/2012

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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary direction to local education agencies to have policies in place that prohibit corporal punishment consistent with state law.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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

EFFECTIVE: 08/14/2012

Education, Administration **R277-703**

Centennial Scholarship for Early Graduation

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36648 FILED: 08/14/2012

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 53A-1-402(1) authorizes the Utah State Board of Education (Board) to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary standards and procedures for students to participate in the Centennial Scholarship for Early Graduation.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and

Legislation

EFFECTIVE: 08/14/2012

AUTHORIZED BY: Carol Lear, Director, School Law and

Legislation

EFFECTIVE: 08/14/2012

Education, Administration **R277-713**

Concurrent Enrollment of High School Students in College Courses

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36649 FILED: 08/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53A-17a-120.5 directs the Utah State Board of Education (Board) to adopt rules providing that a school participating in the concurrent enrollment program shall receive an allocation from the monies as provided for in state law, Subsection 53A-1-402(1) (c) directs the Board to adopt minimum standards for curriculum, and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary standards and procedures for concurrent enrollment courses in local education agencies and criteria for funding appropriate concurrent enrollment expenditures.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

Education, Administration **R277-720**

Child Nutrition Programs

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36650 FILED: 08/14/2012

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 53A-1-401(3) allows the Utah State Board of Education (Board) to adopt rules in accordance with its responsibilities, Subsection 53A-1-402(1) (b) directs the Board to make rules and minimum standards regarding access to programs, and Subsection 53A-1-402(3) authorizes the Board to administer funds made available through programs of the federal government.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary standards and procedures for child nutrition programs administered by the Board.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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

EFFECTIVE: 08/14/2012

Education, Administration **R277-750**

Education Programs for Students with Disabilities

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36651 FILED: 08/14/2012

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 53A-1-402(1) directs the Utah State Board of Education (Board) to adopt rules regarding services for persons with disabilities, Section 53A-15-301 directs the Board to adopt rules providing standards and procedures for students with disabilities, and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary minimum standards and procedures for special education programs.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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

EFFECTIVE: 08/14/2012

Education, Administration

R277-911

Secondary Career and Technical Education

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36652 FILED: 08/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53A-15-202 allows the Utah State Board of Education (Board) to establish minimum standards for Career and Technical Education (CTE) programs in the public education system and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides necessary standards and procedures for school districts seeking to qualify for funds administered by the Board for CTE programs in the public education system.

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 by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

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

EFFECTIVE: 08/14/2012

Health, Family Health and Preparedness, Child Care Licensing **R430-6**

Background Screening

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36623 FILED: 08/03/2012

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 26-39-104(1)(a) allows the Department of Health to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There was one comment received during the public comment period for the rule changes that went into effect on 07/01/2012. The following comment was received: in Subsection R430-6-3(3), there was a recommendation to change the time period for submitting background screening documents from 5 to 10 days. The advisory committee recommended not changing the proposed rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary in order for the Department of Health to continue to fulfill its statutory responsibility to regulate child care programs in order to protect the health and safety of the children in these programs.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 08/03/2012

Health, Family Health and Preparedness, Child Care Licensing **R430-100**

Child Care Centers

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36622 FILED: 08/03/2012

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 26-39-104(1)(a) allows the Department of Health to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment..."

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 following comments were received during the public comment period for the rule changes that went into effect on 07/01/2012: Section R430-100-4, there was a recommendation to reduce the square footage requirements by 25 percent. Utah's rule in this area is already a lesser standard then that recommended by the American Public Health Association and the American Academy of Pediatrics for child care programs. In addition, a 2005 legislative audit of the Child Care Licensing Program found that Utah's rules in this area are reasonable and consistent with other states. After a discussion with our statutory advisory committee, the committee recommended not reducing the square footage requirement. Section R430-100-4, there was a request to remove the requirement for handwashing sinks in classrooms. Because handwashing is the primary way of preventing the spread of disease in child care facilities, this rule was not changed. Section R430-100-11, there was a request to have some examples explaining the tables for mixed age group ratios. It was suggested that rather than have these examples in the rule, they be added to the Interpretation Manual. The advisory committee agreed with this suggestion. Section R430-100-11, there was a recommendation to increase child to staff ratios by 25% and to eliminate group sizes. Utah's rule in this area is already a lesser standard that that recommended by the American Public Health Association and the American Academy of Pediatrics for child care programs. In addition, a 2005

legislative audit of the Child Care Licensing Program found that Utah's rules in this area are reasonable and consistent with other states. After a discussion with our statutory advisory committee, the committee recommended not increasing the staff to child ratios.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary in order for the Department of Health to continue to fulfill its statutory responsibility to regulate child care programs in order to protect the health and safety of the children in these programs.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 08/03/2012

Natural Resources, Wildlife Resources **R657-28**

Use of Division Lands

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36637 FILED: 08/13/2012

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 23-14-8 authorizes the director of the Division of Wildlife Resources full control of all property acquired and held for the purposes specified in this title.

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 Division of Wildlife Resources

and the Wildlife Board have not received written comments, either in support or opposition to Rule R657-28 since the last five-year review on 08/14/2007.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of Rule R657-28 is necessary to provide the application procedures and administration of rights-of-way, leases, and special use permits on division land.

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 by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

AUTHORIZED BY: James Karpowitz, Director

EFFECTIVE: 08/13/2012

School and Institutional Trust Lands, Administration R850-100

Trust Land Management Planning

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36655 FILED: 08/15/2012

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 53C-2-201 requires the Director of the School and Institutional Trust Lands Administration to develop rules that describe the planning and opportunity for public participation prior to conducting any agency actions. This rule provides the guidelines for that planning.

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 by the agency regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Statute requires that the agency develop rules setting forth planning procedures to be undertaken regarding trust lands. This rule provides the necessary planning guidelines to ensure that the agency is in compliance with its fiduciary responsibilities and that interested parties are given an opportunity to participate in that planning. Therefore, this rule should be continued.

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:

♦ John Andrews by phone at 801-538-5180, by FAX at 801-538-5118, or by Internet E-mail at jandrews@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 08/15/2012

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

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their rules effective and enforceable after publication in the Utah State Bulletin. In the case of Proposed Rules or Changes in Proposed Rules with a designated comment period, the law permits an agency to file a notice of effective date any time after the close of comment plus seven days. In the case of Changes in Proposed Rules with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's publication date. If an agency fails to file a Notice of Effective Date within 120 days from the publication of a Proposed Rule or a related Change in Proposed Rule the rule lapses and the agency must start the rulemaking process over.

Notices of Effective Date are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Administrative Services

Administration

No. 36285 (AMD): R13-2-4. Requests for Access

Published: 06/15/2012 Effective: 08/07/2012

Facilities Construction and Management

No. 36020 (AMD): R23-1-40. Procurement of Construction

Published: 04/15/2012 Effective: 08/07/2012

No. 36020 (CPR): R23-1-40. Acceptable Bid Security;

Performance and Payment Bonds

Published: 07/01/2012 Effective: 08/07/2012

Education

Administration

No. 36364 (NEW): R277-408. Grants for Online Testing

Published: 07/01/2012 Effective: 08/08/2012

No. 36366 (AMD): R277-467. Distribution of Funds Appropriated for Library Books and Electronic Resources

Published: 07/01/2012 Effective: 08/08/2012

No. 36367 (AMD): R277-470. Charter Schools - General

Provisions

Published: 07/01/2012 Effective: 08/08/2012

No. 36368 (AMD): R277-482. Charter School Timelines and

Approval Processes Published: 07/01/2012 Effective: 08/08/2012 Natural Paga

No. 36370 (AMD): R277-488. Critical Languages Program Published: 07/01/2012

Effective: 08/08/2012

No. 36373 (AMD): R277-489. Optional Extended Day Kindergarten - Responsibilities, Timelines, and Funding

Published: 07/01/2012 Effective: 08/08/2012

No. 36374 (NEW): R277-618. Educator Peer Assistance and

Review Pilot Program (PAR Program)

Published: 07/01/2012 Effective: 08/08/2012

<u>Health</u>

Health Care Financing, Coverage and Reimbursement Policy

No. 36375 (AMD): R414-1. Utah Medicaid Program

Published: 07/01/2012 Effective: 08/10/2012

No. 36377 (AMD): R414-49. Dental Services

Published: 07/01/2012 Effective: 08/10/2012

No. 36378 (AMD): R414-50. Dental, Oral and Maxillofacial

Surgeons

Published: 07/01/2012 Effective: 08/10/2012

Human Services

Administration

No. 36284 (NEW): R495-884. Kinship Locate

Published: 06/15/2012 Effective: 08/15/2012

Natural Resources
Wildlife Resources

No. 36363 (NEW): R657-64. Predator Control Incentives

Published: 07/01/2012 Effective: 08/07/2012

NOTICES OF RULE EFFECTIVE DATES

Public Safety Driver License

No. 36331 (AMD): R708-10. Classified License System

Published: 07/01/2012 Effective: 08/09/2012

No. 36332 (NEW): R708-47. Emergency Contact Database

Published: 07/01/2012 Effective: 08/09/2012 Peace Officer Standards and Training

No. 36291 (R&R): R728-401. Requirements for Approval and Certification of Peace Officer Basic Training Programs

and Applicants
Published: 06/15/2012
Effective: 08/06/2012

No. 36290 (AMD): R728-409. Suspension or Revocation of

Peace Officer Certification Published: 06/15/2012 Effective: 08/06/2012

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2012 through August 15, 2012. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules 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).

Questions regarding the index and the information it contains should be addressed to 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 (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (http://www.rules.utah.gov/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment NSC = Nonsubstantive rule change

CPR = Change in proposed rule REP = Repeal

EMR = Emergency rule (120 day)

R&R = Repeal and reenact

NEW = New rule

EXD = Expired

R&R = Repeal and reenact

5YR = Five-Year Review

CODE TITLE FILE **ACTION EFFECTIVE** BULLETIN REFERENCE **NUMBER** DATE ISSUE/PAGE ADMINISTRATIVE SERVICES **Administration** Requests for Access 36285 **AMD** 08/07/2012 2012-12/8 R13-2-4 **Archives** R17-9 **Electronic Participation at Meetings** 35304 NEW 01/30/2012 2011-20/6 Child Welfare Parental Defense (Office of) Child Welfare Parental Defense Oversight 35205 **AMD** 01/12/2012 2011-18/6 R19-1-6 Committee R19-1-7 **Electronic Meetings** 35206 **AMD** 01/12/2012 2011-18/7 **Debt Collection** Transfer of Collection Responsibility of State 36420 5YR 06/28/2012 2012-14/59 R21-1 Agencies R21-2 Office of State Debt Collection Administrative 36421 5YR 06/28/2012 2012-14/60 Procedures R21-3 Debt Collection Through Administrative Offset 36422 5YR 06/28/2012 2012-14/60 Facilities Construction and Management Procurement of Construction 05/03/2012 2012-11/177 R23-1 36145 5YR R23-1-40 Procurement of Construction 36020 **AMD** 08/07/2012 2012-8/4 R23-1-40 Acceptable Bid Security; Performance and 36020 **CPR** 08/07/2012 2012-13/88 Payment Bonds R23-19 Facility Use Rules 36146 5YR 05/03/2012 2012-11/177 R23-20 Free Speech Activities 36148 5YR 05/03/2012 2012-11/178 **Finance** R25-7 Travel-Related Reimbursements for State 36112 **AMD** 07/01/2012 2012-10/4 **Employees** R25-14 Payment of Attorneys Fees in Death Penalty 35663 5YR 01/12/2012 2012-3/105 Cases R25-20 Indigent Defense Funds Board, Procedures for 35975 NEW 05/22/2012 2012-8/5 **Electronic Meetings** Fleet Operations R27-4 Vehicle Replacement and Expansion of State 35622 5YR 01/05/2012 2012-3/105 Fleet R27-5 Fleet Tracking 35617 01/05/2012 2012-3/106 5YR 01/31/2012 Fleet Tracking 35623 NSC Not Printed R27-5 Fuel Dispensing Program 35620 5YR 01/05/2012 2012-3/106 R27-6 Safety and Loss Prevention of State Vehicles 2012-9/4 R27-7 36024 **AMD** 06/28/2012

35621

35727

35664

5YR

NEW

AMD

State Vehicle Maintenance Program

Public

Purchasing and General Services

Dispensing Compressed Natural Gas to the

Utah State Procurement Rules Definitions

01/05/2012

03/26/2012

03/30/2012

2012-3/107

2012-4/6

2012-3/4

R27-8

R27-9

R33-1

D22.4	Litab Ctata Descriptions Dulas Definitions	20422	EVD.	07/00/0040	0040 44/04
R33-1	Utah State Procurement Rules Definitions	36423	5YR	07/02/2012	2012-14/61
R33-2	Procurement Organization	36424	5YR	07/02/2012	2012-14/61
R33-3	Source Selection and Contract Formation	35613	AMD	03/30/2012	2012-2/6
R33-3	Source Selection and Contract Formation	36425	5YR	07/02/2012	2012-14/62
R33-3-7	Types of Contracts	35667	AMD	03/30/2012	2012-3/6
R33-4	Specifications	35665	AMD	03/30/2012	2012-3/10
R33-4	Specifications	36426	5YR	07/02/2012	2012-14/62
R33-5	Construction and Architect-Engineer Selection	36428	5YR	07/02/2012	2012-14/63
R33-6-101	Revisions to Contract Clauses	35666	AMD	03/30/2012	2012-3/12
R33-8	Property Management	36430	5YR	07/02/2012	2012-14/63
5:1.14					
Risk Management					
R37-1	Risk Management General Rules	36286	5YR	05/30/2012	2012-12/81
R37-2	Risk Management State Workers'	36287	5YR	05/30/2012	2012-12/81
	Compensation Insurance Administration				
R37-3	Risk Management Adjudicative Proceedings	36288	5YR	05/30/2012	2012-12/82
R37-4	Adjusted Utah Governmental Immunity Act	36289	5YR	05/30/2012	2012-12/83
	Limitations on Judgments	00200	•	00/00/2012	
R37-4	Adjusted Utah Governmental Immunity Act	35844	AMD	05/31/2012	2012-5/4
N37-4		33044	AIVID	03/31/2012	2012-3/4
	Limitations on Judgments				
AGRICULTURE AND F	OOD				
<u>Administration</u>					
R51-2	Administrative Procedures for Informal	35614	5YR	01/04/2012	2012-3/107
	Proceedings Before the Utah Department of				
	Agriculture and Food				
	Agriculture and 1 000				
Austral Indicator					
Animal Industry	A	05004	E) (D)	04/40/0040	0040 4/50
R58-1	Admission and Inspection of Livestock, Poultry,	35691	5YR	01/18/2012	2012-4/59
	and Other Animals				
R58-3	Brucellosis Vaccination Requirements	36143	EMR	05/08/2012	2012-11/167
R58-6	Poultry	35692	5YR	01/18/2012	2012-4/59
R58-10	Meat and Poultry Inspection	36249	REP	07/26/2012	2012-12/9
R58-11	Slaughter of Livestock	35866	AMD	05/15/2012	2012-5/5
R58-11	Slaughter of Livestock and Poultry	36144	NSC	05/30/2012	Not Printed
R58-16	Swine Garbage Feeding	36248	REP	07/26/2012	2012-12/10
R58-18	Elk Farming	35695	5YR	01/18/2012	2012-4/60
R58-19	Compliance Procedures	35696	5YR	01/18/2012	2012-4/60
R58-21	Trichomoniasis	36164	AMD	07/10/2012	2012-11/4
R58-22	Equine Infectious Anemia (EIA)	35694	5YR	01/18/2012	2012-4/61
R58-23	Equine Viral Arteritis (EVA)	35693	5YR	01/18/2012	2012-4/61
Marketing and Develop	ment				
R65-2	Utah Cherry Marketing Order	36489	5YR	07/12/2012	2012-15/73
R65-5	Utah Red Tart and Sour Cherry Marketing	36488	5YR	07/12/2012	2012-15/73
1100 0	Order	00-100	OTIC	01712/2012	2012 10/10
R65-11	Utah Sheep Marketing Order	36490	5YR	07/12/2012	2012-15/74
R05-11	Otari Srieep Marketing Order	30490	SIK	07/12/2012	2012-15/74
5					
Plant Industry					
R68-19	Compliance Procedures	35697	5YR	01/18/2012	2012-4/62
R68-21	Standard of Identity for Honey	35566	REP	03/07/2012	2012-2/16
Regulatory Services					
R70-201	Compliance Procedures	35660	5YR	01/12/2012	2012-3/108
R70-320	Minimum Standards for Milk for Manufacturing	35661	5YR	01/12/2012	2012-3/109
1170 020	Purposes, its Production and Processing	00001	OTIC	01/12/2012	2012 0/100
D70 220		26465	EMD	07/11/2012	2012 15/65
R70-330	Raw Milk for Retail	36465	EMR	07/11/2012	2012-15/65
R70-350	Ice Cream and Frozen Dairy Food Standards	35658	5YR	01/12/2012	2012-3/109
R70-360	Procedure for Obtaining a License to Test Milk	35657	5YR	01/12/2012	2012-3/110
	for Payment				
R70-520	Standard of Identity and Labeling	36147	NEW	07/10/2012	2012-11/6
	Requirements for Honey				
R70-530	Food Protection	35920	5YR	03/07/2012	2012-7/63
R70-550	Utah Inland Shellfish Safety Program	35659	5YR	01/12/2012	2012-3/110
R70-560	Inspection and Regulation of Cottage Food	35662	5YR	01/12/2012	2012-3/110
. 17 0 000	Production Operations	30002	3111	J 11 12/2012	2012-0/111
	1 Toddollott Operations				

Administration							
Auministration							
R81-1-3	General Policies	36271	AMD	07/31/2012	2012-12/11		
R81-1-6	Violation Schedule	35588	AMD	03/01/2012	2012-2/20		
R81-3-11	Application	35942	AMD	07/17/2012	2012-7/4		
R81-4A-2	Application	35943	AMD	05/22/2012	2012-7/5		
R81-4B-2	Application	35944	AMD	05/22/2012	2012-7/6		
R81-4C-2	Application	35945	AMD	05/22/2012	2012-7/8		
R81-4D-2	Application	35946	AMD	05/22/2012	2012-7/9		
R81-4E-2	Application	35947	AMD	05/22/2012	2012-7/11		
R81-4F-2	Application	35948	AMD	05/22/2012	2012-7/12		
R81-4F-7	Sale and Purchase of Alcoholic Beverages	36113	AMD	07/01/2012	2012-10/9		
R81-4F-13	Agreement for Alcoholic Beverage Service	36115	AMD	07/01/2012	2012-10/10		
R81-5-2	Application	35949	AMD	05/22/2012	2012-7/13		
R81-6-1	Application	35950	AMD	05/22/2012	2012-7/15		
R81-7	Single Event Permits	36114	AMD	07/01/2012	2012-10/11		
R81-8-1	Application	35951	AMD	05/22/2012	2012-7/16		
R81-9-1	Application	35952	AMD	05/22/2012	2012-7/17		
R81-10A-3	Application	35953	AMD	05/22/2012	2012-7/19		
R81-10B	Temporary Special Event Beer Permits	36116	AMD	07/01/2012	2012-10/14		
R81-10C-2	Application	35954	AMD	05/22/2012	2012-7/20		
R81-10D-2	Application	35955	AMD	05/22/2012	2012-7/21		
R81-11-1	Application	35956	AMD	05/22/2012	2012-7/23		
R81-12-1	Application	35957	AMD	05/22/2012	2012-7/24		
	· PP····						
ATTORNEY GENERAL							
<u>Administration</u>							
R105-1	Attorney General's Selection of Outside	35904	NEW	04/24/2012	2012-6/6		
	Counsel, Expert Witnesses and Other Litigation						
	Support Services						
AUDITOR							
<u>Administration</u>							
R123-3	State Auditor Adjudicative Proceedings	36506	5YR	07/18/2012	2012-16/183		
R123-4	Public Petitions for Declaratory Orders	36509	5YR	07/18/2012	2012-16/183		
R123-5	Audit Requirements for Audits of Political	36510	5YR	07/18/2012	2012-16/184		
	Subdivisions and Nonprofit Organizations						
	· ·						
CAPITOL PRESERVATION BOARD (STATE)							
CAPITOL PRESERVAT	ION BOARD (STATE)						
CAPITOL PRESERVAT	ION BOARD (STATE)						
CAPITOL PRESERVAT Administration							
	Use of Magnetometers on Capitol Grounds	35899	EXT	02/29/2012	2012-6/43		
Administration	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill	35899 36359	EXT 5YR	02/29/2012 06/13/2012	2012-6/43 2012-13/97		
Administration R131-3	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program						
Administration R131-3 R131-3	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy	36359	5YR	06/13/2012	2012-13/97		
Administration R131-3 R131-3	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program	36359	5YR	06/13/2012	2012-13/97		
Administration R131-3 R131-3 R131-9	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy	36359 35686	5YR R&R	06/13/2012 03/09/2012	2012-13/97 2012-3/13		
Administration R131-3 R131-3 R131-9	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in	36359 35686 35687	5YR R&R 5YR	06/13/2012 03/09/2012 01/17/2012	2012-13/97 2012-3/13 2012-3/111		
Administration R131-3 R131-3 R131-9 R131-10 R131-11	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688	5YR R&R 5YR 5YR	06/13/2012 03/09/2012 01/17/2012 01/17/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112		
Administration R131-3 R131-3 R131-9 R131-10 R131-11	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in	36359 35686 35687 35688	5YR R&R 5YR 5YR	06/13/2012 03/09/2012 01/17/2012 01/17/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611	5YR R&R 5YR 5YR EMR	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611	5YR R&R 5YR 5YR EMR	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611	5YR R&R 5YR 5YR EMR	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE RE	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611	5YR R&R 5YR 5YR EMR	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE REAdministration	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611 35610	5YR R&R 5YR 5YR EMR AMD	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012 02/21/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105 2012-2/24		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE RE	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611	5YR R&R 5YR 5YR EMR	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE REAdministration	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611 35610	5YR R&R 5YR 5YR EMR AMD	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012 02/21/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105 2012-2/24		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE REAdministration R137-1-21	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611 35610	5YR R&R 5YR 5YR EMR AMD	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012 02/21/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105 2012-2/24		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE REAdministration	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611 35610	5YR R&R 5YR 5YR EMR AMD	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012 02/21/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105 2012-2/24		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE RE Administration R137-1-21 COMMERCE	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611 35610	5YR R&R 5YR 5YR EMR AMD	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012 02/21/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105 2012-2/24		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE RE Administration R137-1-21 COMMERCE Administration	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation EVIEW OFFICE The Evidentiary/Step 4 Adjudicatory Procedures	36359 35686 35687 35688 35611 35610	5YR R&R 5YR 5YR EMR AMD	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012 02/21/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105 2012-2/24		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE RE Administration R137-1-21 COMMERCE	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation	36359 35686 35687 35688 35611 35610	5YR R&R 5YR 5YR EMR AMD	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012 02/21/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105 2012-2/24		
Administration R131-3 R131-3 R131-9 R131-10 R131-11 R131-13 R131-13 CAREER SERVICE RE Administration R137-1-21 COMMERCE Administration	Use of Magnetometers on Capitol Grounds Use of Magnetometers on Capitol Hill State Capitol Preservation Board Art Program and Policy Commercial Solicitations Preservation of Free Speech Activities Health Reform - Health Insurance Coverage in State Contracts - Implementation Health Reform - Health Insurance Coverage in State Contracts - Implementation EVIEW OFFICE The Evidentiary/Step 4 Adjudicatory Procedures	36359 35686 35687 35688 35611 35610	5YR R&R 5YR 5YR EMR AMD	06/13/2012 03/09/2012 01/17/2012 01/17/2012 01/03/2012 02/21/2012	2012-13/97 2012-3/13 2012-3/111 2012-3/112 2012-2/105 2012-2/24		

R151-4-306	Motion to Recuse or Disqualify a Board or	36104	AMD	06/21/2012	2012-10/16
D454.05	Commission Member	00000	5) (D	00/05/0040	0040 40/07
R151-35	Powersport Vehicle Franchise Act Rule	36329	5YR	06/05/2012	2012-13/97
Computer on Durate ation					
Consumer Protection R152-6	Utah Administrative Procedures Act Rules	35974	5YR	03/26/2012	2012-8/71
R152-0 R152-15	Business Opportunity Disclosure Act Rules	35974 35965	5YR	03/22/2012	2012-8/71
R152-13	New Motor Vehicle Warranties	35967	5YR	03/22/2012	2012-8/71
R152-20	Charitable Solicitations Act	35970	5YR	03/22/2012	2012-8/72
R152-23	Utah Health Spa Services	35970	5YR	03/22/2012	2012-8/72
R152-34	Postsecondary Proprietary School Act Rules	36360	5YR	06/14/2012	2012-0773
R152-42	Uniform Debt-Management Services Act Rules	35972	5YR	03/22/2012	2012-8/73
	o.mo.m. 2001 managomo.m co. 11000 / 101 / 10100		• • • • • • • • • • • • • • • • • • • •	00/22/20 /2	20.2 0 0
Occupational and Profe	essional Licensing				
R156-1	General Rule of the Division of Occupational	35624	5YR	01/05/2012	2012-3/112
	and Professional Licensing				
R156-1	General Rule of the Division of Occupational	36077	AMD	06/07/2012	2012-9/8
	and Professional Licensing				
R156-3a	Architect Licensing Act Rule	36282	AMD	07/30/2012	2012-12/12
R156-9	Funeral Service Licensing Act Rule	36117	AMD	06/21/2012	2012-10/17
R156-11a	Barber, Cosmetologist/Barber, Esthetician,	35853	5YR	02/06/2012	2012-5/101
	Electrologist and Nail Technician Licensing Act				
	Rule				
R156-16a	Optometry Practice Act Rule	35893	5YR	02/21/2012	2012-6/35
R156-20a	Environmental Health Scientist Act Rule	35430	AMD	01/10/2012	2011-23/10
R156-22	Professional Engineers and Professional Land	36090	AMD	06/21/2012	2012-10/19
	Surveyors Licensing Act Rule				
R156-22	Professional Engineers and Professional Land	36405	5YR	06/25/2012	2012-14/64
D.1-0.0-	Surveyors Licensing Act Rule		-1.75	00/04/0040	00100100
R156-37	Utah Controlled Substances Act Rule	35892	5YR	02/21/2012	2012-6/36
R156-40a	Athletic Trainer Licensing Act Rule	36089	AMD	06/28/2012	2012-10/22
R156-47b	Massage Therapy Practice Act Rule	36132	5YR	05/01/2012	2012-10/87
R156-47b-102	Definitions	35498	AMD	01/26/2012	2011-24/6
R156-55a-602	Contractor License Bonds	36157	AMD	07/09/2012	2012-11/8
R156-55d	Burglar Alarm Licensing Rule Burglar Alarm Licensing Rule	35860 36191	5YR NSC	02/07/2012	2012-5/102 Not Printed
R156-55d R156-56	Building Inspector and Factory Built Housing	35735	5YR	05/30/2012 01/31/2012	2012-4/62
K 150-50	Licensing Act Rule	33733	SIK	01/31/2012	2012-4/02
R156-60a	Social Worker Licensing Act Rule	36189	AMD	07/09/2012	2012-11/10
R156-60d	Substance Abuse Counselor Act Rule	36228	AMD	07/30/2012	2012-11/10
R156-60d	Substance Use Disorder Counselor Act Rule	36550	NSC	08/08/2012	Not Printed
R156-63b-102	Definitions	36192	NSC	05/30/2012	Not Printed
R156-64	Deception Detection Examiners Licensing Act	35736	5YR	01/31/2012	2012-4/64
	Rule	00.00	• • • • • • • • • • • • • • • • • • • •	0 0 20 2	
R156-67-503	Administrative Penalties	35389	AMD	03/09/2012	2011-22/14
R156-67-503	Administrative Penalties	35389	CPR	03/09/2012	2012-3/86
R156-68-503	Administrative Penalties	35388	AMD	03/09/2012	2011-22/19
R156-68-503	Administrative Penalties	35388	CPR	03/09/2012	2012-3/90
R156-69-302d	Licensing of Dentist-Educators	36181	AMD	07/09/2012	2012-11/14
R156-75	Genetic Counselors Licensing Act Rule	36183	AMD	07/09/2012	2012-11/15
R156-75-102	Definitions	36450	NSC	07/25/2012	Not Printed
R156-76	Professional Geologist Licensing Act Rule	35894	5YR	02/21/2012	2012-6/37
R156-78B	Prelitigation Panel Review Rule	35820	5YR	02/02/2012	2012-5/102
R156-83-502	Unprofessional Conduct	35585	AMD	02/21/2012	2012-2/28
Real Estate					
R162-2c	Utah Residential Mortgage Practices and	36079	AMD	06/07/2012	2012-9/12
	Licensing Rules				
R162-2e-402	Administrative Proceedings	35915	AMD	05/23/2012	2012-7/25
0!!!					
<u>Securities</u>	5 11 15 "	00450	5\ (D	07/44/0040	0040 45/55
R164-1	Fraudulent Practices	36459	5YR	07/11/2012	2012-15/75
R164-4	Licensing Requirements	36460	5YR	07/11/2012	2012-15/75
R164-5	Broker-Dealer and Investment Adviser Books	36461	5YR	07/11/2012	2012-15/76
D404.0	and Records	20400	EVD.	07/44/0040	0040 45/70
R164-6	Denial, Suspension or Revocation of a License		5YR	07/11/2012	2012-15/76
R164-9	Registration by Coordination	36537	5YR	07/25/2012	2012-16/184

R164-10	Registration by Qualification	36538	5YR	07/25/2012	2012-16/185
	Registration Statement				
R164-11	O	36539	5YR	07/25/2012	2012-16/185
R164-12	Sales Commission	36540	5YR	07/25/2012	2012-16/186
R164-14	Exemptions	36541	5YR	07/25/2012	2012-16/186
R164-15	Federal Covered Securities	36542	5YR	07/25/2012	2012-16/187
R164-18	Procedures	36463	5YR	07/11/2012	2012-15/77
R164-25	Record of Registration	36464	5YR	07/11/2012	2012-15/77
R164-26	Consent to Service of Process	36543	5YR	07/25/2012	2012-16/187
R164-101	Securities Fraud Reporting Program Act	35558	NEW	02/21/2012	2012-10/10/
K104-101	Securities Fraud Reporting Frogram Act	33330	INLVV	02/21/2012	2012-2/29
COMMUNITY AND CU	LTURE				
Arts and Museums					
R207-1	Utah Arts Council General Program Rules	35723	5YR	01/24/2012	2012-4/64
R207-2	Policy for Commissions, Purchases, and	35724	5YR	01/24/2012	2012-4/65
R207-2		33724	SIK	01/24/2012	2012-4/03
	Donations to, and Loans from, the Utah State				
	Art Collection				
<u>History</u>					
R212-1	Adjudicative Proceedings	36299	5YR	05/31/2012	2012-12/83
R212-12	Computerized Record of Cemeteries, Burial	36301	5YR	05/31/2012	2012-12/84
	Locations and Plots, and Granting Matching				
	Funds				
D242 42		26205	NCC	06/20/2012	Not Drinted
R212-12	Computerized Record of Cemeteries, Burials	36305	NSC	06/29/2012	Not Printed
	Location and Plots, and Granting Matching				
	Funds				
Home Energy Assistan	ce Target (HEAT)				
R195-1	Energy Assistance: General Provisions	35403	AMD	03/26/2012	2011-23/12
R195-2	Energy Assistance Programs Standards	36293	EXT	05/31/2012	2012-12/95
R195-3	Energy Assistance Income Standards, Income	36294	EXT	05/31/2012	2012-12/95
1(155-5	Eligibility, and Payment Determination	30234	LXI	00/01/2012	2012-12/33
D405.2.2	3 , ,	25405	AMD	00/00/0040	2044 22/40
R195-3-3	Unearned Income	35405	AMD	03/26/2012	2011-23/16
R195-4	Energy Assistance: Asset Standards	36295	EXT	05/31/2012	2012-12/95
R195-5	Energy Assistance: Program Benefits	35406	AMD	03/26/2012	2011-23/17
R195-5	Energy Assistance: Program Benefits	36296	EXT	05/31/2012	2012-12/96
R195-6	Energy Assistance: Eligibility Determination	35407	AMD	03/26/2012	2011-23/18
R195-6	Energy Assistance: Eligibility Determination	36297	EXT	05/31/2012	2012-12/96
R195-7	Energy Assistance: Records and Benefit	35408	AMD	03/26/2012	2011-23/19
11100 1	Management	00100	7 (11)	00/20/2012	2011 20/10
R195-7	Energy Assistance: Records and Benefit	36298	EXT	05/31/2012	2012-12/96
K 195-1	0,	30290		03/31/2012	2012-12/90
D405.0	Management	05400	4440	00/00/0040	0044 00/00
R195-8	Energy Assistance: Special State Programs	35409	AMD	03/26/2012	2011-23/20
R195-8	Energy Assistance: Special State Programs	36302	EXT	05/31/2012	2012-12/96
Library					
R223-1	Adjudicative Procedures	36328	5YR	06/05/2012	2012-13/98
CORRECTIONS					
CONTECTIONS					
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<u>Administration</u>			=>/5	0.4.4.0.400.4.0	0010 11100
R251-106	Media Relations	35760	EXD	01/18/2012	2012-4/123
R251-106	Media Relations	35767	EMR	02/01/2012	2012-4/45
R251-106	Media Relations	35805	NEW	04/09/2012	2012-5/11
R251-107	Executions	35761	EXD	01/18/2012	2012-4/123
R251-107	Executions	35768	EMR	02/01/2012	2012-4/47
R251-107	Executions	35806	NEW	04/09/2012	2012-5/13
R251-108	Adjudicative Proceedings	35762	EXD	01/18/2012	2012-4/123
R251-108	Adjudicative Proceedings Adjudicative Proceedings	35769	EMR	02/01/2012	2012-4/123
		35807	NEW		
R251-108	Adjudicative Proceedings			04/09/2012	2012-5/15
R251-115	Contract County Jail Programming Payment	36292	NEW	08/01/2012	2012-12/21
R251-305	Visiting at Community Correctional Centers	35754	EXT	01/31/2012	2012-4/121
R251-305	Visiting at Community Correctional Centers	36039	5YR	04/06/2012	2012-9/77
R251-306	Sponsors in Community Correctional Centers	35755	EXT	01/31/2012	2012-4/121
R251-306	Sponsors in Community Correctional Centers	36040	5YR	04/06/2012	2012-9/77
R251-401	Supervision Fees	36312	5YR	06/05/2012	2012-13/99
R251-703	Vehicle Direction Station	35763	EXD	01/18/2012	2012-4/124
		30.00			

R251-703	Vehicle Direction Station	35770	EMR	02/01/2012	2012-4/51
R251-703	Vehicle Direction Station	35808	NEW	04/09/2012	2012-5/17
R251-704	North Gate	35764	EXD	01/18/2012	2012-4/124
R251-704	North Gate	35771	EMR	02/01/2012	2012-4/52
R251-704	North Gate	35809	NEW	04/09/2012	2012-4/32
R251-704 R251-705	Inmate Mail Procedures	35765	EXD	01/18/2012	2012-3/10
R251-705	Inmate Mail Procedures	35772	EMR	02/01/2012	2012-4/53
R251-705	Inmate Mail Procedures	35810	NEW	04/09/2012	2012-5/19
R251-706	Inmate Visiting	35766	EXD	01/18/2012	2012-4/124
R251-706	Inmate Visiting	35773	EMR	02/01/2012	2012-4/56
R251-706	Inmate Visiting	35811	NEW	04/09/2012	2012-5/22
R251-707	Legal Access	35756	EXT	01/31/2012	2012-4/121
R251-707	Legal Access	36041	5YR	04/06/2012	2012-9/78
R251-710	Search	35757	EXT	01/31/2012	2012-4/121
R251-710	Search	36042	5YR	04/06/2012	2012-9/78
EDUCATION					
Administration					
R277-100	Rulemaking Policy	35449	AMD	01/10/2012	2011-23/21
R277-100	Utah State Board of Education Procedures	36581	5YR	08/01/2012	2012-16/188
			R&R	02/07/2012	
R277-102	Adjudicative Proceedings	35534			2012-1/8
R277-102	Adjudicative Proceedings	35856	NSC	02/29/2012	Not Printed
R277-103	USOE Government Records and Management	36582	5YR	08/01/2012	2012-16/188
P277 104	Act USOE ADA Complaint Procedure	36067	D Ø D	06/07/2012	2012 0/21
R277-104			R&R	06/07/2012	2012-9/31
R277-107	Educational Services Outside of Educator's	35674	AMD	03/12/2012	2012-3/19
D0== 40= 0	Regular Employment			0=10010010	0040 = 40=
R277-107-6	Public Education Employees	35932	AMD	05/08/2012	2012-7/27
R277-110	Legislative Supplemental Salary Adjustment	36583	5YR	08/01/2012	2012-16/188
R277-112	Prohibiting Discrimination in the Public Schools	36584	5YR	08/01/2012	2012-16/189
R277-115	Material Developed with State Public Education	36585	5YR	08/01/2012	2012-16/189
D077 440	Funds	00500	E)/D	00/04/0040	0040 40/400
R277-116	Utah State Board of Education Internal Audit	36586	5YR	08/01/2012	2012-16/190
	Procedure				
R277-400	School Emergency Response Plans	36587	5YR	08/01/2012	2012-16/190
R277-401	Child Abuse-Neglect Reporting by Education	36639	5YR	08/14/2012	Not Printed
	Personnel				
R277-407	School Fees	36640	5YR	08/14/2012	Not Printed
R277-407-3	Classes and Activities During the Regular	36199	AMD	07/09/2012	2012-11/16
	School Day				
R277-408	Grants for Online Testing	36364	NEW	08/08/2012	2012-13/49
R277-410	Accreditation of Schools	36588	5YR	08/01/2012	2012-16/191
R277-411	Elementary School Accreditation	36589	5YR	08/01/2012	2012-16/191
R277-412	Junior High and Middle School Accreditation	36590	5YR	08/01/2012	2012-16/192
R277-419-5	Student Membership	35905	AMD	05/08/2012	2012-7/28
R277-419-7	Student Identification and Tracking	36069	AMD	06/07/2012	2012-9/34
R277-420	Aiding Financially Distressed School Districts	36070	AMD	06/07/2012	2012-9/35
R277-425	Budgeting, Accounting, and Auditing for Utah	35535	AMD	02/07/2012	2012-1/11
	School Districts				
R277-426	Definition of Private and Non-Profit Schools for	35536	AMD	02/07/2012	2012-1/13
	Federal Program Services				
R277-433	Disposal of Textbooks in the Public Schools	36641	5YR	08/14/2012	Not Printed
R277-437-3	Local School Board and District	36200	AMD	07/09/2012	2012-11/17
	Responsibilities	00200	2	0.700.20.2	
R277-445	Classifying Small Schools as Necessarily	36642	5YR	08/14/2012	Not Printed
10277-443	Existent	30042	3110	00/14/2012	Not i ilited
R277-454	Construction Management of School Building	35933	AMD	05/08/2012	2012-7/30
R211-454	· · · · · · · · · · · · · · · · · · ·	33933	AIVID	03/06/2012	2012-7/30
D077 407	Projects	20205	EVD.	00/45/0040	2042 42/00
R277-467	Distribution of Funds Appropriated for Library	36365	5YR	06/15/2012	2012-13/99
D077 407	Books and Electronic Resources	00000	4445	00/00/00 10	0040 4047
R277-467	Distribution of Funds Appropriated for Library	36366	AMD	08/08/2012	2012-13/51
	Books and Electronic Resources				
R277-470	Charter Schools	35451	AMD	01/10/2012	2011-23/28
R277-470	Charter Schools - General Provisions	36367	AMD	08/08/2012	2012-13/52
D0 1-0					
R277-476	Incentives for Elementary Reading Program	35675	REP	03/12/2012	2012-3/22

R277-479	Charter School Special Education Student	35935	NEW	05/08/2012	2012-7/31
	Funding Formula				
R277-479-1	Definitions	36160	NSC	05/30/2012	Not Printed
R277-480-1	Definitions	35582	NSC	01/31/2012	Not Printed
R277-480-1	Definitions	35817	NSC	02/29/2012	Not Printed
R277-481	Charter School Oversight, Monitoring and	35452	NEW	01/10/2012	2011-23/34
	Appeals				
R277-482	Charter School Timelines and Approval	35453	NEW	01/10/2012	2011-23/38
	Processes				
R277-482	Charter School Timelines and Approval	36368	AMD	08/08/2012	2012-13/54
	Processes				
R277-483-4	Identification of Persistently Dangerous	36071	AMD	06/07/2012	2012-9/36
	Schools				
R277-484-3	Deadlines for Data Submission	35676	AMD	03/12/2012	2012-3/23
R277-485	Loss of Enrollment	35936	AMD	05/08/2012	2012-7/33
R277-486	Professional Staff Cost Program	36072	AMD	06/07/2012	2012-9/37
R277-488	Critical Languages Program	36369	5YR	06/15/2012	2012-13/100
R277-488	Critical Languages Program	36370	AMD	08/08/2012	2012-13/58
R277-489	Optional Extended-Day Kindergarten -	36372	5YR	06/15/2012	2012-13/100
11277-405	Responsibilities, Timelines, and Funding	30372	3110	00/13/2012	2012-10/100
R277-489	Optional Extended Day Kindergarten -	36373	AMD	08/08/2012	2012-13/61
1(277-409	Responsibilities, Timelines, and Funding	30373	AIVID	00/00/2012	2012-13/01
R277-491		36201	AMD	07/09/2012	2012-11/19
	School Community Councils				
R277-491-4	School Community Council School/School	36451	NSC	07/25/2012	Not Printed
D077 407	Administrator Responsibilities	05075	NIENA/	04/40/0040	2042 5/24
R277-497	School Grading System	35875	NEW	04/10/2012	2012-5/24
R277-497-3	Board Responsibilities	36202	AMD	07/09/2012	2012-11/22
R277-500	Educator Licensing Renewal, Timelines, and	36203	AMD	07/09/2012	2012-11/23
	Required Fingerprint Background Checks				
D077 F04	(Effective Beginning July 1, 2012)	00004	DED	07/00/0040	0040 44/00
R277-501	Educator Licensing Renewal, Timelines, and	36204	REP	07/09/2012	2012-11/28
	Required Fingerprint Background Checks				
	(Effective Through June 30, 2012)				
R277-502	Educator Licensing and Data Retention	36643	5YR	08/14/2012	Not Printed
R277-503	Licensing Routes	35677	AMD	03/12/2012	2012-3/24
R277-503	Licensing Routes	35939	5YR	03/15/2012	2012-7/63
R277-503	Licensing Routes	36073	AMD	06/07/2012	2012-9/39
R277-505	Administrative License Areas of Concentration	36644	5YR	08/14/2012	Not Printed
	and Programs				
R277-506	School Psychologists, School Social Workers,	36645	5YR	08/14/2012	Not Printed
	and School Counselors Licenses and				
	Programs				
R277-507	Driver Education Endorsement	35940	5YR	03/15/2012	2012-7/64
R277-511	Highly Qualified Teacher Grants	35671	5YR	01/17/2012	2012-3/113
R277-511	Highly Qualified Teacher Grants	35678	REP	03/12/2012	2012-3/28
R277-512	Online Licensure	35673	5YR	01/17/2012	2012-3/114
R277-513	Dual Certification	35679	REP	03/12/2012	2012-3/30
R277-514	Board Procedures: Sanctions for Educator	36646	5YR	08/14/2012	Not Printed
	Misconduct				
R277-519	Educator Inservice Procedures and Credit	35941	5YR	03/15/2012	2012-7/64
R277-520	Appropriate Licensing and Assignment of	35680	AMD	03/12/2012	2012-3/32
	Teachers				
R277-520-6	Eminence	36074	AMD	06/07/2012	2012-9/43
R277-521	Professional Specialist Licensing	35876	REP	04/10/2012	2012-5/26
R277-524	Paraprofessional Qualifications	36205	AMD	07/09/2012	2012-11/33
R277-524	Paraprofessional/Paraeducator Programs,	36452	NSC	07/25/2012	Not Printed
	Assignments, and Qualifications				
R277-600-7	Alternative Transportation	35877	AMD	04/10/2012	2012-5/28
R277-608	Prohibition of Corporal Punishment in Utah's	35454	AMD	01/10/2012	2011-23/41
	Public Schools				
R277-608	Prohibition of Corporal Punishment in Utah's	36647	5YR	08/14/2012	Not Printed
=:: ===	Public Schools		* * * * *		
R277-612	Foreign Exchange Students	36153	5YR	05/07/2012	2012-11/179
R277-615	Standards and Procedures for Student	35878	NEW	04/10/2012	2012-11/17/3
1,217 010	Searches	5557.5	14-44	3-110/2012	2012 0/20
R277-617	Smart School Technology Program	36308	NEW	07/23/2012	2012-12/24
R277-617-1	Definitions	36536	NSC	08/08/2012	Not Printed
KEIT VII-I	Samuolo	30000	1400	30/00/2012	. NOCT THREE

D077 040					
R277-618	Educator Peer Assistance and Review Pilot	36374	NEW	08/08/2012	2012-13/63
	Program (PAR Program)				
R277-700	The Elementary and Secondary School Core	36075	AMD	06/07/2012	2012-9/45
	Curriculum				
R277-703	Centennial Scholarship for Early Graduation	35537	AMD	02/07/2012	2012-1/14
R277-703	Centennial Scholarship for Early Graduation	36648	5YR	08/14/2012	Not Printed
R277-705	Secondary School Completion and Diplomas	35818	5YR	02/02/2012	2012-5/103
R277-713	Concurrent Enrollment of High School Students	36649	5YR	08/14/2012	Not Printed
	in College Courses				
R277-714	Dissemination of Information About Juvenile	35681	AMD	03/12/2012	2012-3/36
	Offenders				
R277-718	Utah Career Teaching Scholarship Program	35682	REP	03/12/2012	2012-3/37
R277-720	Child Nutrition Programs	35937	AMD	05/08/2012	2012-7/34
R277-720	Child Nutrition Programs	36650	5YR	08/14/2012	Not Printed
R277-730	Alternative High School Curriculum	35538	REP	02/07/2012	2012-1/16
R277-733	Adult Education Programs	36076	AMD	06/07/2012	2012-9/49
R277-750	Education Programs for Students with	36651	5YR	08/14/2012	Not Printed
11277 700	Disabilities	00001	OTIV	00/11/2012	110111111100
R277-751	Special Education Extended School Year	35539	AMD	02/07/2012	2012-1/18
R277-800	Utah Schools for the Deaf and the Blind	36206	AMD	07/09/2012	2012-11/34
R277-911	Secondary Career and Technical Education	36652	5YR	08/14/2012	Not Printed
R277-915	Work-based Learning Programs for Interns	35819	5YR	02/02/2012	2012-5/104
R277-915	Work-based Learning Programs for Interns Work-based Learning Programs for Interns	35683	AMD	03/12/2012	2012-3/39
R277-916	Technology, Life, and Careers, and Work-	35938	AMD	05/08/2012	2012-3/35
R277-910		33936	AIVID	05/06/2012	2012-7/35
	Based Learning Programs				
Dobabilitation					
Rehabilitation R280-201	LISOR ADA Complaint Procedure	26060	REP	06/07/2012	2012 0/56
R200-201	USOR ADA Complaint Procedure	36068	REP	06/07/2012	2012-9/56
ENVIRONMENTAL Q	ΙΔΙΙΤΥ				
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Administration					
R305-1	Records Access and Management	35928	5YR	03/13/2012	2012-7/65
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Air Quality					
R307-101-3	Version of Code of Federal Regulations	35615	AMD	04/05/2012	2012-3/40
1007-101-5	Incorporated by Reference	33013	AIVID	04/03/2012	2012-3/40
R307-105	General Requirements: Emergency Controls	36333	5YR	06/06/2012	2012-13/101
R307-107	General Requirement: Unavoidable	35865	R&R	07/31/2012	2012-13/101
K307-107	Breakdown	33003	Ναιν	01/31/2012	2012-3/31
R307-107	General Requirements: Unavoidable	35865	CPR	07/31/2012	2012-13/89
K307-107	General Requirements. Onavoluable	33003			
	Proakdown		OFT	01/01/2012	2012 10/00
D307 110	Breakdown Conoral Requirements: State Implementation	35774			
R307-110	General Requirements: State Implementation	35774	5YR	02/01/2012	2012-4/65
	General Requirements: State Implementation Plan		5YR	02/01/2012	2012-4/65
R307-110 R307-120	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air	35774 35775			
R307-120	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment	35775	5YR 5YR	02/01/2012	2012-4/65 2012-4/81
	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient	35775	5YR	02/01/2012	2012-4/65
R307-120 R307-121	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit	35775 35716	5YR 5YR 5YR	02/01/2012 02/01/2012 01/23/2012	2012-4/65 2012-4/81 2012-4/81
R307-120	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for	35775 35716	5YR 5YR	02/01/2012	2012-4/65 2012-4/81
R307-120 R307-121	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean	35775 35716	5YR 5YR 5YR	02/01/2012 02/01/2012 01/23/2012	2012-4/65 2012-4/81 2012-4/81
R307-120 R307-121 R307-121-7	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels	35775 35716 35718	5YR 5YR 5YR NSC	02/01/2012 02/01/2012 01/23/2012 02/09/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed
R307-120 R307-121 R307-121-7	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy	35775 35716 35718 35776	5YR 5YR 5YR NSC	02/01/2012 02/01/2012 01/23/2012 02/09/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82
R307-120 R307-121 R307-121-7	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos	35775 35716 35718	5YR 5YR 5YR NSC	02/01/2012 02/01/2012 01/23/2012 02/09/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed
R307-120 R307-121 R307-121-7 R307-130 R307-135	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act	35775 35716 35718 35776 35777	5YR 5YR 5YR NSC 5YR 5YR	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning	35775 35716 35718 35776 35777 35923	5YR 5YR 5YR NSC 5YR 5YR 5YR 5YR	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning	35775 35716 35718 35776 35777 35923 35923	5YR 5YR 5YR NSC 5YR 5YR 5YR FYR FYR	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38 2012-13/91
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary	35775 35716 35718 35776 35777 35923	5YR 5YR 5YR NSC 5YR 5YR 5YR 5YR	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-201	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS)	35775 35716 35718 35776 35777 35923 35923 35496	5YR 5YR 5YR NSC 5YR 5YR CPR AMD	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38 2012-13/91 2011-24/7
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air	35775 35716 35718 35776 35777 35923 35923 35496	5YR 5YR 5YR NSC 5YR 5YR 5YR FYR FYR	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38 2012-13/91
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-201 R307-210-1	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air	35775 35716 35718 35776 35777 35923 35923 35496 35922	5YR 5YR 5YR NSC 5YR 5YR 5YR CPR AMD	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38 2012-13/91 2011-24/7 2012-7/42
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-201	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air Pollutants Section II, Hospital, Medical, Infectious Waste	35775 35716 35718 35776 35777 35923 35923 35496	5YR 5YR 5YR NSC 5YR 5YR CPR AMD	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38 2012-13/91 2011-24/7
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-210-1 R307-214 R307-220-3	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air Pollutants Section II, Hospital, Medical, Infectious Waste Incinerators	35775 35716 35718 35776 35777 35923 35923 35496 35922 35531	5YR 5YR 5YR NSC 5YR 5YR 5YR CPR AMD AMD	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012 06/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-7/38 2012-13/91 2011-24/7 2012-7/42 2012-1/21
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-201 R307-210-1	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air Pollutants Section II, Hospital, Medical, Infectious Waste Incinerators Emission Standards: Existing Incinerators for	35775 35716 35718 35776 35777 35923 35923 35496 35922	5YR 5YR 5YR NSC 5YR 5YR 5YR CPR AMD	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38 2012-13/91 2011-24/7 2012-7/42
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-201 R307-214 R307-214 R307-220-3	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air Pollutants Section II, Hospital, Medical, Infectious Waste Incinerators Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	35775 35716 35718 35776 35777 35923 35923 35923 35496 35922 35531	5YR 5YR 5YR NSC 5YR 5YR 5YR CPR AMD AMD AMD	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012 03/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38 2012-1/3/91 2011-24/7 2012-7/42 2012-1/21 2012-1/22
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-210-1 R307-214 R307-220-3 R307-222 R307-222-1	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air Pollutants Section II, Hospital, Medical, Infectious Waste Incinerators Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste Purpose and Applicability	35775 35716 35718 35776 35777 35923 35923 35923 35496 35922 35531 35530 36026	5YR 5YR 5YR NSC 5YR 5YR 5YR CPR AMD AMD AMD AMD NSC	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012 03/07/2012 03/07/2012 03/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-4/82 2012-1/38 2012-13/91 2011-24/7 2012-7/42 2012-1/21 2012-1/22 Not Printed
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-201 R307-214 R307-214 R307-220-3	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air Pollutants Section II, Hospital, Medical, Infectious Waste Incinerators Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste Purpose and Applicability Utah and Weber Counties: Oxygenated	35775 35716 35718 35776 35777 35923 35923 35923 35496 35922 35531	5YR 5YR 5YR NSC 5YR 5YR 5YR CPR AMD AMD AMD	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012 03/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-7/38 2012-1/3/91 2011-24/7 2012-7/42 2012-1/21 2012-1/22
R307-120 R307-121 R307-121-7 R307-130 R307-135 R307-202 R307-202 R307-210-1 R307-214 R307-220-3 R307-222 R307-222-1	General Requirements: State Implementation Plan General Requirements: Tax Exemption for Air Pollution Control Equipment General Requirements: Clean Air and Efficient Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels General Penalty Policy Enforcement Response Policy for Asbestos Hazard Emergency Response Act Emission Standards: General Burning Emission Standards: General Burning Standards of Performance for New Stationary Sources (NSPS) National Emission Standards for Hazardous Air Pollutants Section II, Hospital, Medical, Infectious Waste Incinerators Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste Purpose and Applicability	35775 35716 35718 35776 35777 35923 35923 35923 35496 35922 35531 35530 36026	5YR 5YR 5YR NSC 5YR 5YR 5YR CPR AMD AMD AMD AMD NSC	02/01/2012 02/01/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012 07/31/2012 07/31/2012 03/07/2012 03/07/2012 03/07/2012 03/07/2012	2012-4/65 2012-4/81 2012-4/81 Not Printed 2012-4/82 2012-4/82 2012-4/82 2012-1/38 2012-13/91 2011-24/7 2012-7/42 2012-1/21 2012-1/22 Not Printed

R	307-320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program	35779	5YR	02/01/2012	2012-4/84
R	307-325	Ozone Nonattainment and Maintenance Areas: General Requirements	35780	5YR	02/01/2012	2012-4/84
R	307-326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries		5YR	02/01/2012	2012-4/85
R	307-327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage	35782	5YR	02/01/2012	2012-4/86
R:	307-328	Gasoline Transfer and Storage	35783	5YR	02/01/2012	2012-4/86
	307-335	Ozone Nonattainment and Maintenance Areas: Degreasing and Solvent Cleaning Operations		5YR	02/01/2012	2012-4/87
R	307-340	Ozone Nonattainment and Maintenance Areas: Surface Coating Processes	35785	5YR	02/01/2012	2012-4/87
R	307-341	Ozone Nonattainment and Maintenance Areas: Cutback Asphalt	35786	5YR	02/01/2012	2012-4/88
R	307-343	Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations	35787	5YR	02/01/2012	2012-4/89
R.	307-401	Permit: New and Modified Sources	36334	5YR	06/06/2012	2012-13/101
	307-401-11	Replacement-in-Kind Equipment	36154	NSC	05/30/2012	Not Printed
	307-403	Permits: New and Modified Sources in	36335		06/06/2012	2012-13/102
K.	307-403		30333	5YR	06/06/2012	2012-13/102
R	307-405	Nonattainment Areas and Maintenance Areas Permits: Major Sources in Attainment or	35413	AMD	02/02/2012	2011-23/42
О.	207 405 2	Unclassified Areas (PSD)	25072	NCC	00/00/0040	Nat Deintad
	307-405-3	Definitions	35872	NSC	02/29/2012	Not Printed
	307-406	Visibility	36336	5YR	06/06/2012	2012-13/102
	307-410	Permits: Emissions Impact Analysis	36337	5YR	06/06/2012	2012-13/103
R	307-414	Permits: Fees for Approval Orders	36338	5YR	06/06/2012	2012-13/104
R:	307-415	Permits: Operating Permit Requirements	36339	5YR	06/06/2012	2012-13/104
R	307-415-2	Authority	35529	AMD	03/07/2012	2012-1/25
	307-417	Permits: Acid Rain Sources	36340	5YR	06/06/2012	2012-13/105
	307-420	Permits: Ozone Offset Requirements in Davis	36341	5YR	06/06/2012	2012-13/106
	007 420	and Salt Lake Counties	000+1	OTIX	00/00/2012	2012 10/100
R	307-421	Permits: PM10 Offset Requirements in Salt Lake County and Utah County	36342	5YR	06/06/2012	2012-13/106
R	307-424	Permits: Mercury Requirements for Electric Generating Units	36033	5YR	04/05/2012	2012-9/79
R	307-840	Lead-Based Paint Program Purpose, Applicability, and Definitions	35857	AMD	05/03/2012	2012-5/33
D,	307-840-1	Purpose and Applicability	36161	NSC	05/30/2012	Not Printed
		Posidential Property and Child Occupied				
K,	307-841	Residential Property and Child-Occupied	35858	AMD	05/03/2012	2012-5/39
R	307-841	Facility Renovation Residential Property and Child-Occupied	36162	NSC	05/30/2012	Not Printed
_		Facility Renovation			0=10010010	
	307-842	Lead-Based Paint Activities	35859	AMD	05/03/2012	2012-5/47
R	307-842	Lead-Based Paint Activities	36163	NSC	05/30/2012	Not Printed
<u>Er</u>	nvironmental Respons	e and Remediation				
R	311-200	Underground Storage Tanks: Definitions	35668	AMD	03/09/2012	2012-3/42
R	311-200	Underground Storage Tanks: Definitions	36057	5YR	04/10/2012	2012-9/82
	311-201	Underground Storage Tanks: Certification Programs and UST Operator Training	35447	AMD	01/13/2012	2011-23/45
R	311-201	Underground Storage Tanks: Certification Programs and UST Operator Training	36045	5YR	04/10/2012	2012-9/82
R	311-202	Underground Storage Tank Technical Standards	36046	5YR	04/10/2012	2012-9/84
R	311-203	Underground Storage Tanks: Technical Standards	36047	5YR	04/10/2012	2012-9/84
R	311-204	Underground Storage Tanks: Closure and Remediation	36048	5YR	04/10/2012	2012-9/85
R	311-205	Underground Storage Tanks: Site Assessment Protocol	36049	5YR	04/10/2012	2012-9/86
R	311-206	Underground Storage Tanks: Financial Assurance Mechanisms	36050	5YR	04/10/2012	2012-9/86
R	311-207	Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks	36051	5YR	04/10/2012	2012-9/87

R311-208	Underground Storage Tank Penalty Guidance	36052	5YR	04/10/2012	2012-9/88
R311-209	Petroleum Storage Tank Cleanup Fund and	36053	5YR	04/10/2012	2012-9/89
11011 200	State Cleanup Appropriation	00000	O I I C	01/10/2012	2012 0/00
R311-210	Administrative Procedures	36054	5YR	04/10/2012	2012-9/89
R311-211	Corrective Action Cleanup Standards Policy -	36055	5YR	04/10/2012	2012-9/90
	UST and CERCLA Sites				
R311-212	Administration of the Petroleum Storage Tank	36056	5YR	04/10/2012	2012-9/90
	Loan Fund				
R311-401	Utah Hazardous Substances Priority List	36030	5YR	04/04/2012	2012-9/91
R311-401-2	Hazardous Substances Priority List	36028	AMD	07/20/2012	2012-9/58
Radiation Control					
R313-17	Administrative Procedures	35416	AMD	03/19/2012	2011-23/50
R313-22-75	Special Requirements for a Specific License to	35417	AMD	01/16/2012	2011-23/51
	Manufacture, Assemble, Repair, or Distribute				
	Commodities, Products, or Devices Which				
D040.04	Contain Radioactive Material	00077	EV/D	05/04/0040	0040 40/04
R313-24	Uranium Mills and Source Material Mill Tailings	36277	5YR	05/24/2012	2012-12/84
D212 25	Disposal Facility Requirements	25006	EVD	02/02/2012	2012 7/65
R313-35	Requirements for X-Ray Equipment Used for	35906	5YR	03/02/2012	2012-7/65
R313-36	Non-Medical Applications Special Requirements for Industrial	35418	AMD	01/16/2012	2011-23/54
K313-30	Radiographic Operations	33410	AIVID	01/10/2012	2011-23/34
	Radiographic Operations				
Solid and Hazardous V	Vaste				
R315-1	Utah Hazardous Waste Definitions and	35349	AMD	01/13/2012	2011-21/27
	References	00010	,	01/10/2012	2011 21121
R315-2	General Requirements - Identification and	35350	AMD	01/13/2012	2011-21/30
	Listing of Hazardous Waste				
R315-3	Application and Permit Procedures for	35351	AMD	01/13/2012	2011-21/38
	Hazardous Waste Treatment, Storage, and				
	Disposal Facilities				
R315-5	Hazardous Waste Generator Requirements	35352	AMD	01/13/2012	2011-21/53
R315-6	Hazardous Waste Transporter Requirements	35353	AMD	01/13/2012	2011-21/57
R315-7	Interim Status Requirements for Hazardous	35354	AMD	01/13/2012	2011-21/60
	Waste Treatment, Storage, and Disposal				
	Facilities				
R315-8	Standards for Owners and Operators of	35355	AMD	01/13/2012	2011-21/67
	Hazardous Waste Treatment, Storage, and				
D045.40	Disposal Facilities	05050	4445	04/40/0040	0044 04/75
R315-13	Land Disposal Restrictions	35356	AMD	01/13/2012	2011-21/75
R315-14-8	Military Munitions	35357	AMD	01/13/2012	2011-21/76
R315-15	Standards for the Management of Used Oil Standards for Universal Waste Management	36246 35867	5YR AMD	05/17/2012 04/17/2012	2012-12/85 2012-5/62
R315-16 R315-50-9	Basis for Listing Hazardous Wastes	35358	AMD	01/13/2012	2012-3/02
R315-304	Industrial Solid Waste Landfill Requirements	35988	5YR	03/29/2012	2011-21/77
R315-304	Recycling and Composting Facility Standards	35432	AMD	01/13/2012	2011-23/59
R315-315-5	Special Waste Requirements	35433	AMD	01/13/2012	2011-23/60
R315-320-2	Definitions	35434	AMD	01/13/2012	2011-23/61
11010 020 2	Bellillions	00-10-1	7 (IVID	01/10/2012	2011 20/01
Water Quality					
R317-2	Standards of Quality for Waters of the State	35359	AMD	04/01/2012	2011-21/78
R317-2	Standards of Quality for Waters of the State	35359	CPR	04/01/2012	2012-4/40
R317-3	Design Requirements for Wastewater	36190	5YR	05/15/2012	2012-11/179
	Collection, Treatment and Disposal Systems				
R317-5	Large Underground Wastewater Disposal	36388	5YR	06/18/2012	2012-14/65
	Systems				
R317-6	Ground Water Quality Protection	36544	5YR	07/26/2012	2012-16/192
R317-8	Utah Pollutant Discharge Elimination System	35238	AMD	01/25/2012	2011-19/31
	(UPDES)				
R317-10	Certification of Wastewater Works Operators	36457	5YR	07/11/2012	2012-15/78
R317-11	Certification Required to Design, Inspect and	36135	AMD	06/27/2012	2012-10/23
	Maintain Underground Wastewater Disposal				
	Systems, or Conduct Percolation and Soil Tests				
D217 12	for Underground Wastewater Disposal Systems	25726	EVD	01/25/2012	2012 4/00
R317-12	General Requirements: Tax Exemption for	35726	5YR	01/25/2012	2012-4/89
	Water Pollution Control Equipment				

R317-100	Utah State Project Priority System for the Utah Wastewater Project Assistance Program	36456	5YR	07/11/2012	2012-15/78
R317-550	Rules for Waste Disposal By Liquid Scavenger Operations	36389	5YR	06/18/2012	2012-14/65
R317-560	Rules for the Design, Construction, and Maintenance of Vault Privies and Earthen Pit Privies	36387	5YR	06/18/2012	2012-14/66
R317-801	Utah Sewer Management Program (USMP)	35903	NEW	06/21/2012	2012-6/12
EXAMINERS (BOARD (OF)				
Administration R320-101	Procedures for Electronic Meetings	35497	NEW	02/10/2012	2011-24/10
FINANCIAL INSTITUTION	DNS				
Administration R331-5	Rule Governing Sale of Securities by Persons Issuing Securities, Who Are Under the Jurisdiction of the Department of Financial Institutions	36527	5YR	07/20/2012	2012-16/193
R331-7	Rule Governing Leasing Transactions by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions	35684	AMD	03/09/2012	2012-3/46
R331-7	Rule Governing Leasing Transactions by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions	36532	5YR	07/20/2012	2012-16/193
R331-9	Rule Prescribing Rules of Procedure for Hearings Before the Commissioner of Financial Institutions of the State of Utah	36528	5YR	07/20/2012	2012-16/194
R331-10	Schedule for Retention or Destruction of Records of Financial Institutions Under the Jurisdiction of the Department of Financial Institutions	36529	5YR	07/20/2012	2012-16/194
R331-12	Guidelines Governing the Purchase and Sale of Loans and Participations in Loans by all State Chartered Financial Institutions	36530	5YR	07/20/2012	2012-16/195
R331-14	Rule Governing Parties Who Engage in the Business of Issuing and Selling Money Orders, Traveler's Checks, and Other Instruments for the Purpose of Effecting Third-Party Payments	36531	5YR	07/20/2012	2012-16/195
R331-22	Rule Governing Reimbursement of Costs of Financial Institutions for Production of Records	36021	EXT	04/02/2012	2012-8/91
R331-22	Rule Governing Reimbursement of Costs of Financial Institutions for Production of Records	36533	5YR	07/20/2012	2012-16/196
Credit Unions R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	35700	5YR	01/20/2012	2012-4/90
Nondepository Lenders R343-1	Rule Governing Form of Disclosures For Title Lenders, Who Are Under the Jurisdiction of the Department of Financial Institutions	35628	5YR	01/06/2012	2012-3/114
GOVERNOR					
Criminal and Juvenile Ju R356-1	ustice (State Commission on) Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	36141	AMD	07/01/2012	2012-10/27

Economic Developmen	<u>ıt</u>				
R357-1	Rural Fast Track Program	36066	5YR	04/13/2012	2012-9/92
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•	nt, Pete Suazo Utah Athletic Commission	20002	EVD	00/00/0040	0040 0/74
R359-1 R359-1-506	Pete Suazo Utah Athletic Commission Act Rule Drug Tests	36002 36130	5YR AMD	03/30/2012 06/30/2012	2012-8/74 2012-10/29
N339-1-300	Diug lesis	30130	AIVID	00/30/2012	2012-10/29
Planning and Budget, I	nspector General of Medicaid Services (Office of)				
R367-1	Office of Inspector General of Medicaid	35879	NEW	04/23/2012	2012-5/74
	Services				
R367-1-7	Utilization Review and Medicaid Services	35973	NSC	04/23/2012	Not Printed
D007.4.45	Provided under the Utah Medicaid Program	05050	4445	05/00/0040	0040.040
R367-1-15	Administrative Hearings	35958	AMD	05/23/2012	2012-8/6
HEALTH					
CIEAETT					
<u>Administration</u>					
R380-1	Petitions for Department Declaratory Orders	36096	5YR	04/26/2012	2012-10/88
R380-5	Petitions for Declaratory Orders on Orders	36097	5YR	04/26/2012	2012-10/89
D000 40	Issued by Committees	00000	EVD.	04/00/0040	0040 40/00
R380-10 R380-20	Informal Adjudicative Proceedings	36098	5YR 5YR	04/26/2012	2012-10/89
R380-60	Government Records Access and Management Local Health Department Emergency Protocols		NEW	04/03/2012 03/07/2012	2012-9/92 2012-2/31
R380-100	Americans with Disabilities Act Grievance	36099	5YR	04/26/2012	2012-10/90
11000 100	Procedures	00000	0111	0 1/20/2012	2012 10/00
Center for Health Data,					
R428-2	Health Data Authority Standards for Health	35868	AMD	04/26/2012	2012-5/80
D400 F	Data	25000	AMD	00/00/0040	2042 5/02
R428-5 R428-5	Appeal and Adjudicative Proceedings Appeal and Adjudicative Proceedings	35869 36027	AMD NSC	06/28/2012 06/28/2012	2012-5/83 Not Printed
R428-10	Health Data Authority Hospital Inpatient	35870	AMD	05/31/2012	2012-5/85
11120 10	Reporting Rule	000.0	7.111.5	00/01/2012	2012 0/00
R428-12	Health Data Authority Survey of Enrollees in	36110	AMD	07/02/2012	2012-10/43
	Health Maintenance Organizations				
R428-13	Health Data Authority: Audit and Reporting of	36111	AMD	07/02/2012	2012-10/44
D400.45	HMO Performance Measures	25040	AMD	02/40/2042	2042 2/54
R428-15	Health Data Authority Health Insurance Claims Reporting	35616	AMD	03/16/2012	2012-3/51
R428-20	Health Data Authority Request for Health Data	35492	REP	01/24/2012	2011-24/20
11120 20	Information	00 102		01/21/2012	2011 2 1120
Children's Health Insura					
R382-10	Eligibility	35788	AMD	04/01/2012	2012-4/7
Diagona Control and Dr	rovention Environmental Candons				
R392-100	revention, Environmental Services Food Service Sanitation	35715	5YR	01/20/2012	2012-4/91
R392-100	Food Service Sanitation	35445	AMD	01/26/2012	2011-23/62
R392-200	Design, Construction, Operation, Sanitation,	35710	5YR	01/20/2012	2012-4/91
	and Safety of Schools				
R392-300	Recreation Camp Sanitation	35709	5YR	01/20/2012	2012-4/92
R392-301	Recreational Vehicle Park Sanitation	35708	5YR	01/20/2012	2012-4/93
R392-302	Design, Construction and Operation of Public	35707	5YR	01/20/2012	2012-4/93
R392-400	Pools Temporary Mass Gatherings Sanitation	35711	5YR	01/20/2012	2012-4/94
R392-401	Roadway Rest Stop Sanitation	35714	5YR	01/20/2012	2012-4/94
R392-402	Mobile Home Park Sanitation	35712	5YR	01/20/2012	2012-4/95
R392-501	Labor Camp Sanitation	35713	5YR	01/20/2012	2012-4/96
R392-502	Hotel, Motel and Resort Sanitation	36017	5YR	04/02/2012	2012-8/75
R392-510	Utah Indoor Clean Air Act	36019	5YR	04/02/2012	2012-8/75
Disease Oracle 1 12	envention Fuldamists				
	revention, Epidemiology	36247	ΛMD.	08/08/2012	2012 12/20
R386-702	Communicable Disease Rule	36247	AMD	08/08/2012	2012-12/29
Disease Control and Pr	revention, Laboratory Improvement				
R444-11	Rules for Approval to Perform Blood Alcohol	35701	5YR	01/20/2012	2012-4/99
	Examinations				

D: 0 1 1 1D					
	revention, Laboratory Services	05700	E) (D)	04/00/0040	0040 4/00
R438-12	Rule for Law Enforcement Blood Draws	35706	5YR	01/20/2012	2012-4/98
	paredness, Child Care Licensing	05504	N.I.	05/04/0040	0040 0/07
R430-1	General Licensing, Certificate, and	35581	NEW	05/01/2012	2012-2/37
D. 400.0	Enforcement Provisions, Child Care Facilities			0=10110010	0010 0110
R430-2	General Licensing Provisions, Child Care	35579	REP	05/01/2012	2012-2/40
	Facilities				
R430-3	General Child Care Facility Rules Inspection	35580	REP	05/01/2012	2012-2/42
	and Enforcement				
R430-4	General Certificate Provisions	35653	REP	05/01/2012	2012-3/57
R430-6	Background Screening	35573	AMD	05/01/2012	2012-2/46
R430-6	Background Screening	36623	5YR	08/03/2012	Not Printed
R430-30	Adjudicative Procedure	35654	REP	05/01/2012	2012-3/61
R430-50	Residential Certificate Child Care	35574	AMD	05/01/2012	2012-2/47
R430-60	Hourly Child Care Center	35575	R&R	05/01/2012	2012-2/55
R430-70	Out of School Time Child Care Programs	35576	AMD	05/01/2012	2012-2/70
R430-90	Licensed Family Child Care	35577	AMD	05/01/2012	2012-2/77
R430-100	Child Care Centers	35578	AMD	05/01/2012	2012-2/82
R430-100	Child Care Centers	36622	5YR	08/03/2012	Not Printed
Family Health and Prep	paredness, Children with Special Health Care Nee	<u>eds</u>			
R398-5	Birth Defects Reporting	36109	AMD	07/31/2012	2012-10/32
R398-15	Autism Treatment Account	36281	NEW	07/31/2012	2012-12/38
Family Health and Prep	paredness, Emergency Medical Services				
R426-5	Statewide Trauma System Standards	36100	5YR	04/26/2012	2012-10/92
R426-16	Emergency Medical Services Ambulance Rates	36182	AMD	07/19/2012	2012-11/66
	and Charges				
	-				
Family Health and Prep	paredness, Licensing				
R432-4	General Construction	35459	AMD	02/21/2012	2011-24/21
R432-4-8	Standards Compliance	35649	NSC	02/21/2012	Not Printed
R432-5	Nursing Facility Construction	35460	AMD	02/21/2012	2011-24/28
R432-6	Assisted Living Facility General Construction	35461	AMD	02/21/2012	2011-24/33
R432-7	Specialty Hospital Psychiatric Hospital	35462	AMD	02/21/2012	2011-24/38
	Construction				
R432-8	Specialty Hospital - Chemical	35463	AMD	02/21/2012	2011-24/40
	Dependency/Substance Abuse Construction				
R432-9	Specialty Hospital - Rehabilitation Construction	35464	AMD	02/21/2012	2011-24/43
	Rule				
R432-10	Specialty Hospital Long-Term Acute Care	35465	AMD	02/21/2012	2011-24/46
	Construction Rule				
R432-11	Orthopedic Hospital Construction	35466	AMD	02/21/2012	2011-24/50
R432-12	Small Health Care Facility (Four to Sixteen	35467	AMD	02/21/2012	2011-24/53
	Beds) Construction Rule				
R432-13	Freestanding Ambulatory Surgical Center	35468	AMD	02/21/2012	2011-24/57
	Construction Rule				
R432-14	Birthing Center Construction Rule	35469	AMD	02/21/2012	2011-24/59
R432-16	Hospice Inpatient Facility Construction	35470	AMD	02/21/2012	2011-24/61
R432-31	Life with Dignity Order	35976	5YR	03/28/2012	2012-8/76
R432-40	Long-Term Care Facility Immunizations	35977	5YR	03/28/2012	2012-8/77
R432-100	General Hospital Standards	35500	AMD	02/08/2012	2011-24/67
R432-100	General Hospital Standards	35471	AMD	02/21/2012	2011-24/65
R432-150	Nursing Care Facility	35978	5YR	03/28/2012	2012-8/77
R432-151	Mental Disease Facility	35979	5YR	03/28/2012	2012-8/78
R432-152	Mental Retardation Facility	35980	5YR	03/28/2012	2012-8/78
R432-200	Small Health Care Facility (Four to Sixteen	35981	5YR	03/28/2012	2012-8/79
	Beds)		•	00/20/20 /2	
R432-201	Mental Retardation Facility: Supplement "A" to	35982	5YR	03/28/2012	2012-8/79
	the Small Health Care Facility Rule		÷ · · · •		
R432-270-6	Administrator Qualifications	35499	AMD	02/08/2012	2011-24/73
R432-300	Small Health Care Facility - Type N	35983	5YR	03/28/2012	2012-8/80
R432-650	End Stage Renal Disease Facility Rules	35472	AMD	02/21/2012	2011-24/74
R432-650	End Stage Renal Disease Facility Rules	35652	AMD	03/28/2012	2012-3/63
R432-650	End Stage Renal Disease Facility Rules	35984	5YR	03/28/2012	2012-8/80
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R432-700	Home Health Agency Rule	35985	5YR	03/28/2012	2012-8/81						
R432-750	Hospice Rule	35986	5YR	03/28/2012	2012-8/81						
R432-950	Mammography Quality Assurance	35987	5YR	03/28/2012	2012-8/82						
Family Health and Pren	Family Health and Preparedness, WIC Services										
R406-100	Special Supplemental Nutrition Program for	35812	5YR	02/02/2012	2012-5/104						
11.00 100	Women, Infants and Children	00012	0111	02/02/2012	2012 0/101						
R406-200	Program Overview	35813	5YR	02/02/2012	2012-5/105						
R406-201	Outreach Program	35814	5YR	02/02/2012	2012-5/105						
R406-202	Eligibility	35815	5YR	02/02/2012	2012-5/106						
R406-301	Clinic Guidelines	35816	5YR	02/02/2012	2012-5/106						
11400-301	Office Odideffices	33010	3110	02/02/2012	2012-3/100						
Health Care Financing											
R410-14	Administrative Hearing Procedures	35901	AMD	04/27/2012	2012-6/16						
1410 14	Administrative Flearing Floodadies	00001	7 WILD	04/21/2012	2012 0/10						
Health Care Financing	Coverage and Reimbursement Policy										
R414-1	Utah Medicaid Program	35907	5YR	03/02/2012	2012-7/66						
R414-1	Utah Medicaid Program	36375	AMD	08/10/2012	2012-17/00						
R414-1-2	Definitions	35902	AMD	04/27/2012	2012-6/21						
R414-1-5	Incorporations by Reference	35584	AMD	02/21/2012	2012-0/21						
R414-1-5 R414-1-5	Incorporations by Reference	35994	AMD	05/24/2012	2012-2/33						
					2012-0/9						
R414-1-29	Provider-Preventable Conditions	36102	AMD	07/01/2012							
R414-1A	Medicaid Policy for Experimental,	36128	5YR	04/30/2012	2012-10/90						
D444.04	Investigational or Unproven Medical Practices	05000	AMD	04/44/0040	0044 00/00						
R414-2A	Inpatient Hospital Services	35390	AMD	01/11/2012	2011-22/30						
R414-2A	Inpatient Hospital Services	36107	AMD	07/01/2012	2012-10/35						
R414-7C	Alternative Remedies for Nursing Facilities	35719	5YR	01/24/2012	2012-4/96						
R414-9-5	Alternative Payment Method	36106	AMD	07/01/2012	2012-10/37						
R414-10	Physician Services	35720	5YR	01/24/2012	2012-4/97						
R414-10A	Transplant Services Standards	35722	5YR	01/24/2012	2012-4/97						
R414-14A	Hospice Care	35503	AMD	02/01/2012	2011-24/11						
R414-21	Physical and Occupational Therapy	35908	5YR	03/02/2012	2012-7/66						
R414-38	Personal Care Service	35921	5YR	03/07/2012	2012-7/67						
R414-45	Personal Supervision by a Physician	35721	5YR	01/24/2012	2012-4/98						
R414-49	Dental Services	36377	AMD	08/10/2012	2012-13/68						
R414-49-3	Client Eligibility Requirements	36105	AMD	07/01/2012	2012-10/38						
R414-50	Dental, Oral and Maxillofacial Surgeons	36103	AMD	07/01/2012	2012-10/39						
R414-50	Dental, Oral and Maxillofacial Surgeons	36378	AMD	08/10/2012	2012-13/69						
R414-60	Medicaid Policy for Pharmacy Program	36129	5YR	04/30/2012	2012-10/91						
R414-60A	Drug Utilization Review Board	36406	5YR	06/25/2012	2012-14/66						
R414-60B	Preferred Drug List	36559	5YR	07/30/2012	2012-16/196						
R414-61-2	Incorporation by Reference	35504	AMD	01/24/2012	2011-24/18						
R414-100	Medicaid Primary Care Network Services	36184	5YR	05/14/2012	2012-11/180						
R414-200	Non-Traditional Medicaid Health Plan Services	36185	5YR	05/14/2012	2012-11/180						
R414-303	Coverage Groups	35789	AMD	04/01/2012	2012-4/12						
R414-305	Resources	35437	AMD	02/06/2012	2011-23/65						
R414-307	Eligibility for Home and Community-Based	36085	5YR	04/17/2012	2012-10/91						
	Services Waivers										
R414-308	Application, Eligibility Determinations and	35441	AMD	02/06/2012	2011-23/70						
	Improper Medical Assistance										
R414-308	Application, Eligibility Determinations and	35790	AMD	04/01/2012	2012-4/14						
11111000	Improper Medical Assistance	00100	7 11110	0 1/0 1/2012	2012 1111						
R414-310	Medicaid Primary Care Network Demonstration	36309	5YR	06/04/2012	2012-13/107						
1414 010	Waiver	00000	OTIV	00/04/2012	2012 10/10/						
R414-401-3	Assessment	36108	AMD	07/01/2012	2012-10/40						
R414-401-5	Penalties and Interest	35583	AMD	02/21/2012	2012-10/40						
R414-501-2	Definitions	36186	AMD	07/18/2012	2012-2/30						
R414-503	Preadmission Screening and Resident Review	36187	R&R	07/18/2012	2012-11/61						
		36101									
R414-506	Hospital Provider Assessments	35639	AMD	07/01/2012	2012-10/41						
R414-510	Intermediate Care Facility for Individuals with	35639	5YR	01/09/2012	2012-3/115						
	Mental Retardation Transition Program										
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HUMAN RESOURCE N	/IANAGEMEN I										
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Administration D477.4	Deficilies	05004	EV/D	00/00/0040	0040 54405						
R477-1	Definitions	35821	5YR	02/02/2012	2012-5/107						
R477-1	Definitions	36118	AMD	07/02/2012	2012-10/47						

R477-2	Administration	35822	5YR	02/02/2012	2012-5/108
R477-2	Administration	36119	AMD	07/02/2012	2012-10/51
R477-3	Classification	35823	5YR	02/02/2012	2012-5/108
R477-3	Classification	36120	AMD	07/02/2012	2012-10/54
R477-4	Filling Positions	35824	5YR	02/02/2012	2012-5/109
R477-4	Filling Positions	36121	AMD	07/02/2012	2012-10/55
R477-5	Employee Status and Probation	35825	5YR	02/02/2012	2012-5/109
R477-6	Compensation	35826	5YR	02/02/2012	2012-5/110
R477-6	Compensation	36211	AMD	07/10/2012	2012-11/68
R477-6-5	Incentive Awards	35880	AMD	07/10/2012	2012-6/23
R477-7	Leave	35827	5YR	02/02/2012	2012-5/111
R477-7	Leave	36123	AMD	07/02/2012	2012-10/63
R477-8	Working Conditions	35828	5YR	02/02/2012	2012-5/112
R477-8	Working Conditions	36124	AMD	07/02/2012	2012-10/71
R477-9	Employee Conduct	35829	5YR	02/02/2012	2012-5/112
R477-9	Employee Conduct	36125	AMD	07/02/2012	2012-10/76
R477-10	Employee Development	35830	5YR	02/03/2012	2012-5/113
R477-11	Discipline	35831	5YR	02/03/2012	2012-5/114
R477-11	Discipline	36126	AMD	07/02/2012	2012-10/79
R477-12	Separations	35832	5YR	02/03/2012	2012-5/114
R477-13	Volunteer Programs	35834	5YR	02/03/2012	2012-5/115
R477-13	Volunteer Programs	36127	AMD	07/02/2012	2012-10/81
R477-15	Workplace Harassment Prevention Policy and	35835	5YR	02/03/2012	2012-5/115
	Procedure				
HUMAN SERVICES					
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Administration					
Administration	0 10 14 14	05000	5) /D	04/47/0040	0040 0444
R495-810	Government Records Access and Management	35689	5YR	01/17/2012	2012-3/115
	Act				
R495-878	Americans with Disabilities Act Grievance	35717	5YR	01/23/2012	2012-4/99
	Procedures				
R495-884		36284	NEW	08/15/2012	2012-12/39
R490-004	Kinship Locate	30204	INEVV	00/13/2012	2012-12/39
Aging and Adult Service	<u>es</u>				
R510-1	Authority and Purpose	36477	5YR	07/11/2012	2012-15/79
R510-100	Funding Formulas	36478	5YR	07/11/2012	2012-15/79
R510-101	Carryover Policy for Title III: Grants for State	36479	5YR	07/11/2012	2012-15/80
K510-101		30479	SIK	07/11/2012	2012-13/60
	and Community Programs on Aging				
R510-102	Amendments to Area Plan and Management	36466	5YR	07/11/2012	2012-15/80
	Plan				
R510-103	Use of Senior Centers by Long-Term Care	36467	5YR	07/11/2012	2012-15/81
	Facility Residents Participating in Activities	00.0.	•	• • • • • • • • • • • • • • • • • • • •	
	Outside Their Planning and Service Area				
R510-106	Minimum Percentages of Older Americans Act,	36468	5YR	07/11/2012	2012-15/81
	Title III Part B: State and Supportive Services				
	Funds				
R510-107	Funds Title V Senior Community Service Employment	36460	5VR	07/11/2012	2012-15/82
R510-107	Title V Senior Community Service Employment	36469	5YR	07/11/2012	2012-15/82
	Title V Senior Community Service Employment Program Standards and Procedures				
R510-107 R510-108	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State	36469 36470	5YR 5YR	07/11/2012 07/11/2012	2012-15/82 2012-15/82
	Title V Senior Community Service Employment Program Standards and Procedures				
	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting				
R510-108	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act	36470	5YR	07/11/2012	2012-15/82
	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older				
R510-108	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans	36470 36471	5YR 5YR	07/11/2012 07/11/2012	2012-15/82
R510-108	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of	36470	5YR	07/11/2012	2012-15/82
R510-108	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans	36470 36471	5YR 5YR	07/11/2012 07/11/2012	2012-15/82
R510-108	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare	36470 36471	5YR 5YR	07/11/2012 07/11/2012	2012-15/82
R510-108 R510-109 R510-110	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services	36470 36471 36472	5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012	2012-15/82 2012-15/83 2012-15/83
R510-108	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services Policy on Use of State Funding for Travel	36470 36471	5YR 5YR	07/11/2012 07/11/2012	2012-15/82
R510-108 R510-109 R510-110	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service	36470 36471 36472	5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012	2012-15/82 2012-15/83 2012-15/83
R510-108 R510-109 R510-110 R510-111	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	36470 36471 36472 36473	5YR 5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012 07/11/2012	2012-15/82 2012-15/83 2012-15/83 2012-15/84
R510-108 R510-109 R510-110	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC) Long-Term Care Ombudsman Program Policy	36470 36471 36472 36473 36474	5YR 5YR 5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012	2012-15/82 2012-15/83 2012-15/83
R510-108 R510-109 R510-110 R510-111	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	36470 36471 36472 36473	5YR 5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012 07/11/2012	2012-15/82 2012-15/83 2012-15/83 2012-15/84
R510-108 R510-109 R510-110 R510-111 R510-200 R510-302	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC) Long-Term Care Ombudsman Program Policy Adult Protective Services	36470 36471 36472 36473 36474 36475	5YR 5YR 5YR 5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012	2012-15/82 2012-15/83 2012-15/83 2012-15/84 2012-15/84 2012-15/85
R510-108 R510-109 R510-110 R510-111 R510-200	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC) Long-Term Care Ombudsman Program Policy Adult Protective Services Home and Community Based Alternatives	36470 36471 36472 36473 36474	5YR 5YR 5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012	2012-15/82 2012-15/83 2012-15/83 2012-15/84 2012-15/84
R510-108 R510-109 R510-110 R510-111 R510-200 R510-302	Title V Senior Community Service Employment Program Standards and Procedures Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act Definition of Significant Population of Older Native Americans Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC) Long-Term Care Ombudsman Program Policy Adult Protective Services	36470 36471 36472 36473 36474 36475	5YR 5YR 5YR 5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012	2012-15/82 2012-15/83 2012-15/83 2012-15/84 2012-15/84 2012-15/85

Child and Family Service					
R512-1	Description of Division Services, Eligibility, and	35895	5YR	02/23/2012	2012-6/38
	Service Access				
R512-2	Title IV-B Child Welfare/Family Preservation	35910	5YR	03/05/2012	2012-7/68
	and Support Services and Title IV-E Foster				
	Care, Adoption, and Independent Living				
DE10 21	Foster Parent Due Process	25044	EVD	02/05/2012	2012 7/60
R512-31		35911	5YR	03/05/2012	2012-7/68
R512-32	Children with Reportable Communicable	35912	5YR	03/05/2012	2012-7/69
	Diseases				
R512-40	Adoptive Home Studies, Recruitment, Approval	35913	5YR	03/05/2012	2012-7/69
R512-42	Adoption by Relatives	35914	5YR	03/05/2012	2012-7/70
R512-51	Fee Collection for Criminal Background	36044	5YR	04/09/2012	2012-9/93
	Screening for Prospective Foster and Adoptive		•	0 00	
	Parents and for Employees of Other				
	Department of Human Services Licensed				
	Programs				
R512-60	Children's Trust Account	35931	AMD	06/07/2012	2012-7/47
R512-80	Definitions of Abuse, Neglect, and Dependency	35630	NEW	03/15/2012	2012-3/64
Juvenile Justice Service	25				
R547-1	Residential and Non-Residential, Nonsecure	36136	5YR	05/01/2012	2012-10/92
1347-1	Community Program Standards	30130	3110	03/01/2012	2012-10/32
DE 47.0	, 0	00407	E) (D	05/04/0040	0040 40/00
R547-3	Juvenile Jail Standards	36137	5YR	05/01/2012	2012-10/93
R547-6	Youth Parole Authority Policies and Procedures		5YR	05/16/2012	2012-12/85
R547-7	Juvenile Holding Room Standards	36140	5YR	05/01/2012	2012-10/93
R547-10	Ex-Offender Policy	36227	5YR	05/16/2012	2012-12/86
R547-12	Division of Juvenile Justice Services	36138	5YR	05/01/2012	2012-10/94
	Classification of Records	00.00	•	00/01/2012	
R547-13	Guidelines for Admission to Secure Youth	36139	5YR	05/01/2012	2012-10/94
N347-13		30139	JIK	03/01/2012	2012-10/94
5-1-11	Detention Facilities			0.4/0.0/0.04.0	00100100
R547-14	Possession of Prohibited Items in Juvenile	36043	5YR	04/09/2012	2012-9/93
	Detention Facilities				
Public Guardian (Office	of)				
R549-1	Eligibility and Services Priority	35759	5YR	02/01/2012	2012-4/100
11040-1	Eligibility and Oct vices i Honty	33733	3110	02/01/2012	2012-4/100
Danassams Camilana					
Recovery Services	B 6 W			0011010010	0010 101100
R527-3	Definitions	36346	5YR	06/12/2012	2012-13/108
R527-5	Release of Information	35631	5YR	01/06/2012	2012-3/116
R527-34	Non IV-A Services	35728	AMD	03/27/2012	2012-4/19
R527-35	Non IV-A Fee Schedule	0.5.7.0.0			0040 4/00
		35/29	AMD	03/27/2012	2012-4/20
R527-37		35729 36347	AMD 5YR	03/27/2012 06/12/2012	2012-4/20 2012-13/108
R527-37 R527-201	Closure Criteria for Support Cases	36347	5YR	06/12/2012	2012-13/108
R527-201	Closure Criteria for Support Cases Medical Support Services	36347 35619	5YR AMD	06/12/2012 03/27/2012	2012-13/108 2012-3/70
R527-201 R527-253	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments	36347 35619 36348	5YR AMD 5YR	06/12/2012 03/27/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109
R527-201 R527-253 R527-255	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances	36347 35619 36348 36349	5YR AMD 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109
R527-201 R527-253	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments	36347 35619 36348 36349	5YR AMD 5YR	06/12/2012 03/27/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109
R527-201 R527-253 R527-255	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances	36347 35619 36348 36349	5YR AMD 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109
R527-201 R527-253 R527-255 R527-258	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program	36347 35619 36348 36349	5YR AMD 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109 2012-13/110
R527-201 R527-253 R527-255	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an	36347 35619 36348 36349 36350	5YR AMD 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109
R527-201 R527-253 R527-255 R527-258 R527-330	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received	36347 35619 36348 36349 36350	5YR AMD 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109 2012-13/110
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health	36347 35619 36348 36349 36350 36351	5YR AMD 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109 2012-13/110 2012-13/111
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration	36347 35619 36348 36349 36350 36351	5YR AMD 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109 2012-13/110 2012-13/111 2012-13/107
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and	36347 35619 36348 36349 36350 36351	5YR AMD 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109 2012-13/110 2012-13/111
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration	36347 35619 36348 36349 36350 36351	5YR AMD 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109 2012-13/110 2012-13/111 2012-13/107
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and	36347 35619 36348 36349 36350 36351	5YR AMD 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109 2012-13/110 2012-13/111 2012-13/107
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders	36347 35619 36348 36349 36350 36351	5YR AMD 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/109 2012-13/110 2012-13/111 2012-13/107
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and N R523-20 R523-22	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education	36347 35619 36348 36349 36350 36351 36310 36383	5YR AMD 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and N R523-20 R523-22	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration	36347 35619 36348 36349 36350 36351 36310 36383	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/18/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities	36347 35619 36348 36349 36350 36351 36310 36383 36384	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/18/2012 06/18/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67 2012-14/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and N R523-20 R523-22	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and	36347 35619 36348 36349 36350 36351 36310 36383	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/18/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education	36347 35619 36348 36349 36350 36351 36310 36383 36384	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/18/2012 06/18/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67 2012-14/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and	36347 35619 36348 36349 36350 36351 36310 36383 36384	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/18/2012 06/18/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67 2012-14/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education	36347 35619 36348 36349 36350 36351 36310 36383 36384	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/18/2012 06/18/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67 2012-14/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and N R523-20 R523-22 R523-23 R523-23	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration	36347 35619 36348 36349 36350 36351 36310 36383 36384	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/18/2012 06/18/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67 2012-14/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and N R523-20 R523-22 R523-23 R523-23 R523-24 Substance Abuse and N	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration Mental Health, State Hospital	36347 35619 36348 36349 36350 36351 36310 36383 36384 35626 35625	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR AMD AMD	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/18/2012 06/18/2012 03/09/2012 03/09/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67 2012-14/67 2012-3/66 2012-3/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23 R523-23-4 R523-24	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration Mental Health, State Hospital Patient Rights	36347 35619 36348 36349 36350 36351 36310 36383 36384 35626 35625	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR AMD AMD	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/05/2012 06/18/2012 06/18/2012 03/09/2012 03/09/2012 02/21/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67 2012-14/67 2012-3/66 2012-3/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23 R523-23-4 R523-24 Substance Abuse and M R525-2 R525-3	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration Mental Health, State Hospital Patient Rights Medication Treatment of Patients	36347 35619 36348 36349 36350 36351 36310 36383 36384 35626 35625	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR AMD AMD AMD AMD	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/05/2012 06/18/2012 06/18/2012 03/09/2012 03/09/2012 02/21/2012 02/21/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/107 2012-14/67 2012-14/67 2012-3/66 2012-3/67
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23 R523-23-4 R523-24 Substance Abuse and M R525-2 R525-3 R525-5	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration Mental Health, State Hospital Patient Rights Medication Treatment of Patients Background Checks	36347 35619 36348 36349 36350 36351 36383 36384 35626 35625 35589 35590 35591	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR AMD AMD AMD AMD AMD	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/05/2012 06/18/2012 06/18/2012 03/09/2012 03/09/2012 02/21/2012 02/21/2012 02/21/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/117 2012-14/67 2012-14/67 2012-3/66 2012-3/67 2012-2/95 2012-2/96 2012-2/97
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23 R523-24 Substance Abuse and M R525-2 R525-3 R525-5 R525-6	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration Mental Health, State Hospital Patient Rights Medication Treatment of Patients Background Checks Prohibited Items and Devices	36347 35619 36348 36349 36350 36351 36383 36384 35626 35625 35589 35590 35591 35593	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR AMD AMD AMD AMD AMD AMD AMD	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/05/2012 06/18/2012 06/18/2012 03/09/2012 03/09/2012 02/21/2012 02/21/2012 02/21/2012 02/21/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/111 2012-14/67 2012-14/67 2012-3/66 2012-3/67 2012-2/95 2012-2/96 2012-2/97 2012-2/98
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23 R523-23-4 R523-24 Substance Abuse and M R525-2 R525-3 R525-5	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration Mental Health, State Hospital Patient Rights Medication Treatment of Patients Background Checks	36347 35619 36348 36349 36350 36351 36383 36384 35626 35625 35589 35590 35591	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR AMD AMD AMD AMD AMD	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/05/2012 06/18/2012 06/18/2012 03/09/2012 03/09/2012 02/21/2012 02/21/2012 02/21/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/117 2012-14/67 2012-14/67 2012-3/66 2012-3/67 2012-2/95 2012-2/96 2012-2/97
R527-201 R527-253 R527-255 R527-258 R527-330 Substance Abuse and M R523-20 R523-22 R523-23 R523-24 Substance Abuse and M R525-2 R525-3 R525-5 R525-6	Closure Criteria for Support Cases Medical Support Services Collection of Child Support Judgments Substantial Change in Circumstances Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program Posting Priority of Payments Received Mental Health Division Rules of Administration Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders On-Premise Alcohol Training and Education Seminar Rules of Administration Provider Responsibilities Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration Mental Health, State Hospital Patient Rights Medication Treatment of Patients Background Checks Prohibited Items and Devices	36347 35619 36348 36349 36350 36351 36383 36384 35626 35625 35589 35590 35591 35593	5YR AMD 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR AMD AMD AMD AMD AMD AMD AMD	06/12/2012 03/27/2012 06/12/2012 06/12/2012 06/12/2012 06/12/2012 06/05/2012 06/05/2012 06/18/2012 06/18/2012 03/09/2012 03/09/2012 02/21/2012 02/21/2012 02/21/2012 02/21/2012	2012-13/108 2012-3/70 2012-13/109 2012-13/110 2012-13/111 2012-13/111 2012-13/111 2012-14/67 2012-14/67 2012-3/66 2012-3/67 2012-2/95 2012-2/96 2012-2/97 2012-2/98

R525-7	Complaints/Suggestions/Concerns	35855	NSC	02/29/2012	Not Printed
R525-8	Forensic Mental Health Facility	35596	AMD	02/21/2012	2012-2/100
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INSURANCE					
<u>Administration</u>	la cida a Taradia a of Franks Occasión a of Domontia	00007	EV/D	04/05/0040	0040 0/04
R590-68	Insider Trading of Equity Securities of Domestic	36037	5YR	04/05/2012	2012-9/94
DE00.70	Stock Insurance Companies Insurance Holding Companies	35643	5YR	01/10/2012	2012 2/116
R590-70 R590-85	Individual Accident and Health Insurance and	36034	5YR	01/10/2012 04/05/2012	2012-3/116 2012-9/94
11090-00	Individual Accident and Fleatiff insurance and Individual and Group Medicare Supplement	30034	3110	04/03/2012	2012-3/34
	Rates				
R590-95	Rule to Permit the Same Minimum	35641	5YR	01/10/2012	2012-3/117
	Nonforfeiture Standards for Men and Women				
	Insureds Under the 1980 CSO and 1980 CET				
	Mortality Tables				
R590-102-1	Authority	35725	NSC	02/09/2012	Not Printed
R590-108	Interest Rate During Grace Period or Upon	36032	5YR	04/04/2012	2012-9/95
D=00.444	Reinstatement of Policy		-1/5	0.4.4.0.400.4.0	0010 0111=
R590-114	Letters of Credit	35644	5YR	01/10/2012	2012-3/117
R590-116	Valuation of Assets	35850	5YR	02/06/2012	2012-5/116
R590-117 R590-120	Valuation of Liabilities	35851 36059	5YR 5YR	02/06/2012 04/11/2012	2012-5/116 2012-9/95
R590-122	Surety Bond Forms Permissible Arbitration Provisions	36385	5YR	06/18/2012	2012-9/95
R590-142	Continuing Education Rule	35642	5YR	01/10/2012	2012-14/08
R590-142	Continuing Education Rule	35543	AMD	02/08/2012	2012-3/110
R590-143	Life and Health Reinsurance Agreements	35646	5YR	01/10/2012	2012-3/118
R590-146	Medicare Supplement Insurance Standards	36036	5YR	04/05/2012	2012-9/96
R590-147	Annual and Quarterly Statement Filing	35647	5YR	01/10/2012	2012-3/119
	Instructions				
R590-148	Long-Term Care Insurance Rule	36501	5YR	07/16/2012	2012-15/86
R590-149	Americans with Disabilities Act (ADA)	36386	5YR	06/18/2012	2012-14/69
D-00 /-0	Grievance Procedures		-1/5	0.4.4.0.400.4.0	0010 01100
R590-150	Commissioner's Acceptance of Examination	35645	5YR	01/10/2012	2012-3/120
DE00 151	Reports Records Access Rule	36485	5YR	07/12/2012	2012-15/86
R590-151 R590-170	Fiduciary and Trust Account Obligations	36492	NSC	07/12/2012	Not Printed
R590-170	Credit for Reinsurance	36417	5YR	06/27/2012	2012-14/69
R590-197-1	Authority	36535	NSC	08/08/2012	Not Printed
R590-203	Health Grievance Review Process	36035	5YR	04/05/2012	2012-9/96
R590-210	Authority	36534	NSC	08/08/2012	Not Printed
R590-215	Permissible Arbitration Provisions for Individual	36576	NSC	08/13/2012	Not Printed
	and Group Health Insurance				
R590-230	Suitability in Annuity Transactions	35699	AMD	03/26/2012	2012-4/21
R590-238	Captive Insurance Companies	36142	5YR	05/02/2012	2012-11/181
R590-239	Exemption of Student Health Centers From	36031	5YR	04/04/2012	2012-9/97
DE00 240	Insurance Code	36344	EVD	06/07/2012	2012 12/111
R590-240	Procedure to Obtain Exemption of Student Health Programs From Insurance Code	30344	5YR	06/07/2012	2012-13/111
R590-241	Rule to Recognize the Preferred Mortality	36500	5YR	07/16/2012	2012-15/87
11030-241	Tables for Use in Determining Minimum	30300	3110	07/10/2012	2012-13/01
	Reserve Liabilities				
R590-261-11	Expedited Independent Review	35918	NSC	03/22/2012	Not Printed
R590-262	Health Data Authority Health Insurance Claims	35201	NEW	03/07/2012	2011-18/41
	Reporting				
R590-262	Health Data Authority Health Insurance Claims	35201	CPR	03/07/2012	2011-24/84
	Reporting				
R590-263-3	Most Commonly Selected	35483	AMD	01/25/2012	2011-24/76
R590-264	Property and Casualty Actuarial Opinion Rule	36222	NEW	07/13/2012	2012-11/83
Title and Factor Comm	mission				
Title and Escrow Comr R592-8		35808	NSC	03/13/3013	Not Printed
11382-0	Application Process for an Attorney Exemption for Title Agency Licensing	35898	INGC	03/12/2012	NOL FIIILEU
R592-14	Delay or Failure to Record Documents and the	35648	5YR	01/10/2012	2012-3/120
1302 17	Insuring of Properties with the False	300-10	OTIV	01/10/2012	2012 0/120
	Appearance of Unmarketability as Unfair Title				
	Insurance Practices				

JUDICIAL PERFORMA	NCE EVALUATION COMMISSION				
Administration R597-3 R597-3	Judicial Performance Evaluations Judicial Performance Evaluations	35930 35934	EMR AMD	03/15/2012 06/01/2012	2012-7/57 2012-7/50
LABOR COMMISSION					
Adjudication R602-1 R602-2	General Provisions Adjudication of Workers' Compensation and Occupational Disease Claims	36399 36400	5YR 5YR	06/19/2012 06/19/2012	2012-14/70 2012-14/71
Administration R600-2 R600-3-1	Operations Authority and Scope	36401 35446	5YR NSC	06/19/2012 02/01/2012	2012-14/70 Not Printed
Antidiscrimination and L R610-3-21	<u>abor, Labor</u> Uniforms	35833	AMD	04/16/2012	2012-5/88
Boiler and Elevator Safe	etv				
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	35963	AMD	05/22/2012	2012-8/12
R616-2-15	Deputy Boiler/Pressure Vessel Inspectors	35961	AMD	05/22/2012	2012-8/14
R616-3-3	Safety Codes for Elevators	35962	AMD	05/22/2012	2012-8/16
Industrial Accidents R612-1	Workers' Compensation Rules - Procedures	36402	5YR	06/19/2012	2012-14/71
R612-1-10	Permanent Total Disability	36454	NSC	07/25/2012	Not Printed
Occupational Safety an	d Health				
R614-1-4	Incorporation of Federal Standards	36306	AMD	07/23/2012	2012-12/41
R614-1-8	Recording and Reporting Occupational Injuries and Illnesses	36398	NSC	07/12/2012	Not Printed
MONEY MANAGEMEN	T COUNCIL				
Administration					
R628-2	Investment of Funds of Public Education Foundations Established under Section 53A-4- 205 or Funds Acquired by Gift, Devise or Bequest	36453	5YR	07/10/2012	2012-15/87
R628-17	Limitations on Commercial Paper and Corporate Notes	35640	5YR	01/09/2012	2012-3/121
NATURAL RESOURCE	S				
Forestry, Fire and State	<u>Lands</u>				
R652-1	Definition of Terms	36005	5YR	04/02/2012	2012-8/82
R652-3	Applicant Qualification and Application Forms	36006	5YR	04/02/2012	2012-8/83
R652-4	Application Fees and Assessments	36007	5YR	04/02/2012	2012-8/83
R652-5	Payments, Royalties, Audits and Reinstatements	36008	5YR	04/02/2012	2012-8/84
R652-6	Government Records Access and Management	36018	5YR	04/02/2012	2012-8/84
R652-20	Mineral Resources	36009	5YR	04/02/2012	2012-8/85
R652-30	Special Use Leases	36010	5YR	04/02/2012	2012-8/85
R652-40	Easements Page Management	36011	5YR	04/02/2012	2012-8/86
R652-50	Range Management Cultural Resources	36012	5YR	04/02/2012	2012-8/86
R652-60 R652-70	Sovereign Lands	36013 36014	5YR 5YR	04/02/2012 04/02/2012	2012-8/87 2012-8/87
R652-70 R652-90	Sovereign Land Management Planning	36015	5YR	04/02/2012	2012-8/88
R652-100	Materials Permits	36016	5YR	04/02/2012	2012-8/88
R652-140	Utah Forest Practices Act	35698	5YR	01/19/2012	2012-4/108

Geological Survey R638-2 (Changed to R362-2)	Renewable Energy Systems Tax Credits	36593	NSC	08/13/2012	Not Printed
R638-3	Energy Efficiency Fund	35685	EMR	02/01/2012	2012-3/97
R638-3 (Changed to R362-3)	Energy Efficiency Fund	36597	NSC	08/13/2012	Not Printed
Oil Coo and Mining Do	ard				
Oil, Gas and Mining Boa R641-113	Hearing Examiners	36407	NSC	07/12/2012	Not Printed
Oil, Gas and Mining; Ab	andoned Mine Reclamation				
R643-870	Abandoned Mine Reclamation Regulation Definitions	35792	5YR	02/01/2012	2012-4/101
R643-872	Abandoned Mine Reclamation Fund	35793	5YR	02/01/2012	2012-4/101
R643-874	General Reclamation Requirements	35794	5YR	02/01/2012	2012-4/102
R643-875	Noncoal Reclamation	35795	5YR	02/01/2012	2012-4/102
R643-877	Rights of Entry	35796	5YR	02/01/2012	2012-4/103
R643-879	Acquisition, Management, and Disposition of Lands and Water	35797	5YR	02/01/2012	2012-4/104
R643-882	Reclamation on Private Land	35798	5YR	02/01/2012	2012-4/104
R643-884	State Reclamation Plan	35799	5YR	02/01/2012	2012-4/105
R643-886	State Reclamation Grants	35800	5YR	02/01/2012	2012-4/105
Oil, Gas and Mining; Ad	ministration				
R642-100	Records of the Division and Board of Oil, Gas and Mining	35791	5YR	02/01/2012	2012-4/100
Oil Can and Minimus Ca	احا				
Oil, Gas and Mining; Co R645-100	Administrative: Introduction	35801	5YR	02/01/2012	2012-4/106
R645-100-200	Definitions	35995	AMD	05/23/2012	2012-4/100
R645-103	Areas Unsuitable for Coal Mining and Reclamation Operations	35802	5YR	02/01/2012	2012-4/106
R645-200	Coal Exploration: Introduction	35803	5YR	02/01/2012	2012-4/107
R645-201	Coal Exploration: Requirements for Exploration Approval		5YR	02/01/2012	2012-4/107
R645-202	Coal Exploration: Compliance Duties	35836	5YR	02/03/2012	2012-5/117
R645-203	Coal Exploration: Public Availability of Information	35837	5YR	02/03/2012	2012-5/117
R645-300	Coal Mine Permitting: Administrative Procedures	35838	5YR	02/03/2012	2012-5/118
R645-300-100	Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit	35996	AMD	05/23/2012	2012-8/31
R645-301	Terms and Conditions Coal Mine Permitting: Permit Application	35839	5YR	02/03/2012	2012-5/118
R645-301-100	Requirements General Contents	35997	AMD	05/23/2012	2012-8/39
R645-301-100	Engineering	36151	NSC	05/30/2012	Not Printed
R645-302	Coal Mine Permitting: Special Categories and	35840	5YR	02/03/2012	2012-5/119
	Areas of Mining				
R645-302-200	Special Categories of Mining	35998	AMD	05/23/2012	2012-8/43
R645-303	Coal Mine Permitting: Change, Renewal, and Transfer, Assignment, or Sale of Permit Rights	35841	5YR	02/03/2012	2012-5/120
R645-303-300	Transfer, Assignment, or Sale of Permit Rights	35999	AMD	05/23/2012	2012-8/52
R645-400-300	Provisions of State Enforcement	36000	AMD	05/23/2012	2012-8/54
R645-402	Inspection and Enforcement: Individual Civil Penalties	35842	5YR	02/03/2012	2012-5/120
R645-403	Alternative Enforcement	36001	NEW	05/23/2012	2012-8/58
Oil, Gas and Mining; Oil	and Gas				
R649-1	Oil and Gas General Rules	35843	5YR	02/03/2012	2012-5/121
R649-1	Oil and Gas General Rules	35871	NSC	02/29/2012	Not Printed
R649-2	General Rules	35845	5YR	02/03/2012	2012-5/121
R649-3	Drilling and Operating Practices	35846	5YR	02/03/2012	2012-5/122
R649-3-1	Bonding	36177	NSC	05/30/2012	Not Printed
R649-5	Underground Injection Control of Recovery	35847	5YR	02/03/2012	2012-5/122
R649-8	Operations and Class II Injection Wells Reporting and Report Forms	35848	5YR	02/03/2012	2012-5/123

R649-9	Waste Management and Disposal	35849	5YR	02/03/2012	2012-5/123
Parks and Recreation					
R651-102	Government Records Access Management Act	36060	5YR	04/11/2012	2012-9/98
R651-201-7	Low Capacity Vessel	36237	AMD	07/23/2012	2012-12/42
R651-205-2	Deer Creek Reservoir	36242	AMD	07/23/2012	2012-12/43
R651-205-15	Lost Creek Reservoir	36234	AMD	07/23/2012	2012-12/44
R651-206-1	Definitions	36238	AMD	07/23/2012	2012-12/45
R651-206-3	Utah Captain's/Guides License and Utah Boat Crew Permit	36243	AMD	07/23/2012	2012-12/46
R651-206-4	Additional PFD Requirements for Vessels Carrying Passengers for Hire	36239	AMD	07/23/2012	2012-12/50
R651-219-3	Spare Propulsion	36241	AMD	07/23/2012	2012-12/51
R651-226-2	Safety Vessels Permitted	36240	AMD	07/23/2012	2012-12/52
R651-227	Boating Safety Course Fees	36235	AMD	07/23/2012	2012-12/53
R651-301	State Recreation Fiscal Assistance Programs	36225	5YR	05/16/2012	2012-12/86
R651-401-1	Stickers	36233	AMD	07/23/2012	2012-12/54
R651-406-1	Annual Registration Fee	36232	AMD	07/23/2012	2012-12/55
R651-407-1	Appointment and Description of Vehicle	36230	AMD	07/23/2012	2012-12/56
	Advisory Council Membership				
R651-612	Firearms, Traps and Other Weapons	36229	REP	07/23/2012	2012-12/57
Water Pights					
Water Rights R655-1	Wells Used for the Discovery and Production of	36376	5YR	06/15/2012	2012-13/112
K000-1	Geothermal Energy in the State of Utah	30370	SIK	00/15/2012	2012-13/112
R655-2	Procedure for Administrative Proceedings	36380	5YR	06/15/2012	2012-13/112
	Before the Division of Water Rights				
	Commenced Prior to January 1, 1988				
R655-6	Administrative Procedures for Informal	36381	5YR	06/15/2012	2012-13/113
	Proceedings Before the Division of Water				
	Rights				
R655-15	Administrative Procedures for Distribution	36382	5YR	06/15/2012	2012-13/113
	Systems and Water Commissioners				
Wildlife Resources					
R657-2	Adjudicative Proceedings	36149	5YR	05/04/2012	2012-11/181
R657-4	Possession of Live Game Birds	36280	5YR	05/29/2012	2012-12/87
R657-5	Taking Big Game	35520	AMD	02/07/2012	2012-1/29
R657-5	Taking Big Game	36158	AMD	07/09/2012	2012-11/85
R657-13	Taking Fish and Crayfish	35440	AMD	01/10/2012	2011-23/75
R657-14	Commercial Harvesting of Protected Aquatic	36448	5YR	07/09/2012	2012-15/88
	Wildlife				
R657-17	Lifetime Hunting and Fishing License	35209	AMD	01/10/2012	2011-18/63
R657-20	Falconry	35734	AMD	04/02/2012	2012-4/25
R657-22	Commercial Hunting Areas	36150	5YR	05/04/2012	2012-11/182
R657-27	License Agent Procedures	36003	5YR	04/02/2012	2012-8/89
R657-28	Use of Division Lands	36637	5YR	08/13/2012	Not Printed
R657-29	Government Records Access Management Act	36131	5YR	05/01/2012	2012-10/95
R657-30	Fishing License for the Terminally III	36152	5YR	05/04/2012	2012-11/182
R657-33	Taking Bear	35733	AMD	04/02/2012	2012-4/32
R657-38	Dedicated Hunter Program	35211	AMD	01/10/2012	2011-18/65
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	35435	AMD	01/10/2012	2011-23/76
R657-43	Landowner Permits	35210	AMD	01/10/2012	2011-18/71
R657-43	Landowner Permits	35909	5YR	03/05/2012	2012-7/70
R657-44	Big Game Depredation	36392	5YR	06/19/2012	2012-1770
R657-50	Error Remedy	36004	5YR	04/02/2012	2012-14/12
R657-58	Fishing Contests and Clinics	35439	AMD	01/10/2012	2011-23/79
R657-59	Private Fish Ponds	35438	AMD	01/10/2012	2011-23/80
R657-62	Drawing Application Procedures	35436	AMD	01/10/2012	2011-23/85
R657-62	Drawing Application Procedures	36159	AMD	07/09/2012	2012-11/86
R657-64	Predator Control Incentives	36363	NEW	08/07/2012	2012-11/00
				00,01,2012	
R057-04	Predator Control Incentives	36545	NSC	08/08/2012	Not Printed
R657-64	Predator Control Incentives	36545	NSC	08/08/2012	Not Printed

PARDONS (BOARD OF)

Administration					
R671-101	Rules	35730	5YR	01/26/2012	2012-4/108
R671-102	Americans with Disabilities Act Complaint	35731	5YR	01/26/2012	2012-4/109
	Procedures				
R671-201	Original Parole Grant Hearing Schedule and	35732	5YR	01/26/2012	2012-4/109
	Notice.				
R671-202	Notification of Hearings	35737	5YR	01/31/2012	2012-4/110
R671-203	Victim Input and Notification	35738	5YR	01/31/2012	2012-4/110
R671-205	Credit for Time Served	35739	5YR	01/31/2012	2012-4/111
R671-206	Competency of Offenders	35758	5YR	02/01/2012	2012-4/111
R671-207	Mentally III and Deteriorated Offender Custody	35740	5YR	01/31/2012	2012-4/112
	Transfer				
R671-301	Personal Appearance	35741	5YR	01/31/2012	2012-4/112
R671-302	News Media and Public Access to Hearings	35742	5YR	01/31/2012	2012-4/113
R671-303	Information Received, Maintained or Used by	35743	5YR	01/31/2012	2012-4/113
	the Board				
R671-304	Hearing Record	35744	5YR	01/31/2012	2012-4/113
R671-305	Notification of Board Decision	35745	5YR	01/31/2012	2012-4/114
R671-305	Notification of Board Decision	35551	AMD	03/26/2012	2012-2/101
R671-308	Offender Hearing Assistance	35746	5YR	01/31/2012	2012-4/114
R671-309	Impartial Hearings	35747	5YR	01/31/2012	2012-4/115
R671-310	Rescission Hearings	35748	5YR	01/31/2012	2012-4/115
R671-311	Special Attention Hearings and Reviews	35749	5YR	01/31/2012	2012-4/116
R671-315	Pardons	35750	5YR	01/31/2012	2012-4/116
R671-316	Redetermination	35751	5YR	01/31/2012	2012-4/117
R671-402	Special Conditions of Parole	35752	5YR	01/31/2012	2012-4/117
R671-403	Restitution	36549	5YR	07/27/2012	2012-16/198
R671-405	Parole Termination	35753	5YR	01/31/2012	2012-4/118
DUDU 10 1 411D0 D01 14					
PUBLIC LANDS POLIC	CY COORDINATING OFFICE				
Administration					
R694-1	Archeological Permits	35874	NEW	04/30/2012	2012-5/90
11034-1	Archeological Fermits	33074	INLVV	04/30/2012	2012-3/30
PUBLIC SAFETY					
Criminal Investigations	and Technical Services, Criminal Identification				
Criminal Investigations R722-300	and Technical Services, Criminal Identification Concealed Firearm Permit and Instructor Rule	35650	AMD	03/09/2012	2012-3/79
	Concealed Firearm Permit and Instructor Rule	35650 35487	AMD AMD	03/09/2012 01/24/2012	2012-3/79 2011-24/77
R722-300					
R722-300	Concealed Firearm Permit and Instructor Rule				
R722-300 R722-350-3	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools				
R722-300 R722-350-3 <u>Driver License</u>	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility	35487	AMD	01/24/2012	2011-24/77
R722-300 R722-350-3 <u>Driver License</u> R708-2	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools	35487 35702	AMD 5YR	01/24/2012	2011-24/77
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians	35487 35702 35636 35632	AMD 5YR 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for	35487 35702 35636	AMD 5YR 5YR	01/24/2012 01/20/2012 01/09/2012	2011-24/77 2012-4/118 2012-3/121
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians	35487 35702 35636 35632 35633	5YR 5YR 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7 R708-8	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System	35487 35702 35636 35632 35633 35629	AMD 5YR 5YR 5YR 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7 R708-8	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System	35487 35702 35636 35632 35633 35629 36330	5YR 5YR 5YR 5YR 5YR EMR EMR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Classified License System	35487 35702 35636 35632 35633 35629 36330 36331	5YR 5YR 5YR 5YR 5YR EMR EMR AMD	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7 R708-8	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License	35487 35702 35636 35632 35633 35629 36330	5YR 5YR 5YR 5YR 5YR EMR EMR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-10	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	35487 35702 35636 35632 35633 35629 36330 36331 35637	5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/09/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-14	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703	5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/09/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-14 R708-21 R708-21	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231	5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/09/2012 01/20/2012 07/23/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-3/123 2012-3/123 2012-4/119 2012-12/58
R722-300 R722-350-3 <u>Driver License</u> R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-14	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing Commercial Driver License Applicant Fitness	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703	5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/09/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-14 R708-21 R708-21 R708-21 R708-21 R708-25	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing Commercial Driver License Applicant Fitness Certification	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231 35704	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/09/2012 01/20/2012 07/23/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119 2012-12/58 2012-4/119
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-14 R708-21 R708-21	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Commercial Driver License Applicant Fitness Certification Certification of Driver Education Teachers in	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231	5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/09/2012 01/20/2012 07/23/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-3/123 2012-3/123 2012-4/119 2012-12/58
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-14 R708-21 R708-21 R708-21 R708-21 R708-25	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing Commercial Driver License Applicant Fitness Certification Certification of Driver Education Teachers in the Public Schools to Administer Knowledge	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231 35704	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/09/2012 01/20/2012 07/23/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119 2012-12/58 2012-4/119
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-12 R708-21 R708-21 R708-21 R708-25 R708-27	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing Commercial Driver License Applicant Fitness Certification Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231 35704 35705	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR 5YR 5YR 75YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119 2012-4/119 2012-4/119 2012-4/120
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-14 R708-21 R708-21 R708-21 R708-21 R708-25	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing Commercial Driver License Applicant Fitness Certification Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests Medical Waivers for Intrastate Commercial	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231 35704	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/09/2012 01/20/2012 07/23/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119 2012-12/58 2012-4/119
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-12 R708-21 R708-21 R708-21 R708-25 R708-27	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing Commercial Driver License Applicant Fitness Certification Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests Medical Waivers for Intrastate Commercial Driving Privileges	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231 35704 35705	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR 5YR 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119 2012-4/119 2012-4/120 2012-3/124
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-12 R708-21 R708-21 R708-21 R708-25 R708-27	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing Commercial Driver License Applicant Fitness Certification Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests Medical Waivers for Intrastate Commercial Driving Privileges Medical Waivers for Intrastate Commercial	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231 35704 35705	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR 5YR 5YR 75YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119 2012-4/119 2012-4/119 2012-4/120
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-12 R708-14 R708-21 R708-21 R708-25 R708-27 R708-34 R708-34	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Commercial Driver License Applicant Fitness Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests Medical Waivers for Intrastate Commercial Driving Privileges Medical Waivers for Intrastate Commercial Driving Privileges	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231 35704 35705 35634 35635	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR 5YR 5YR 75YR 5YR 8XR 75YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012 01/31/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/75 2012-3/123 2012-4/119 2012-4/119 2012-4/120 2012-3/124 Not Printed
R722-300 R722-350-3 Driver License R708-2 R708-3 R708-7 R708-8 R708-10 R708-10 R708-10 R708-12 R708-21 R708-21 R708-21 R708-25 R708-27	Concealed Firearm Permit and Instructor Rule Application for a Certificate of Eligibility Commercial Driver Training Schools Driver License Point System Administration Functional Ability in Driving: Guidelines for Physicians Review Process: Driver License Medical Section Classified License System Classified License System Classified License System Classified License System Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs Third-Party Testing Third-Party Testing Commercial Driver License Applicant Fitness Certification Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests Medical Waivers for Intrastate Commercial Driving Privileges Medical Waivers for Intrastate Commercial	35487 35702 35636 35632 35633 35629 36330 36331 35637 35703 36231 35704 35705	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR EMR EMR AMD 5YR 5YR 5YR 5YR 5YR	01/24/2012 01/20/2012 01/09/2012 01/09/2012 01/09/2012 01/07/2012 06/06/2012 08/09/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012 01/20/2012	2011-24/77 2012-4/118 2012-3/121 2012-3/122 2012-3/123 2012-3/101 2012-13/95 2012-13/75 2012-3/123 2012-4/119 2012-4/119 2012-4/120 2012-3/124

R708-39	Physical and Mental Fitness Testing	35854	5YR	02/06/2012	2012-5/124
R708-47	Emergency Contact Database	36283	EMR	07/01/2012	2012-12/79
R708-47	Emergency Contact Database	36332	NEW	08/09/2012	2012-13/77
R708-48	Ignition Interlock System Program	36419	EMR	07/01/2012	2012-14/53
Fire Marshal					
R710-1	Concerns Servicing Portable Fire Extinguishers	36198	5YR	05/15/2012	2012-11/183
R710-2	Rules Pursuant to the Utah Fireworks Act	35690	AMD	03/09/2012	2012-3/73
R710-2	Rules Pursuant to the Utah Fireworks Act	36251	5YR	05/21/2012	2012-12/87
R710-3	Assisted Living Facilities	36273	5YR	05/23/2012	2012-12/88
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	36278	5YR	05/24/2012	2012-12/89
R710-4-3	Amendments and Additions	36022	AMD	05/22/2012	2012-8/60
R710-7	Concerns Servicing Automatic Fire	36250	5YR	05/21/2012	2012-12/89
	Suppression Systems				
R710-7-2	Definitions	36188	AMD	07/10/2012	2012-11/92
R710-8	Day Care Rules	35929	5YR	03/13/2012	2012-7/71
R710-9	Rules Pursuant to the Utah Fire Prevention and Safety Act	36343	5YR	06/07/2012	2012-13/114
R710-10-5	Fire Service Standards and Training Council	36023	AMD	05/22/2012	2012-8/62
Highway Patrol					
R714-110	Permit to Operate a Motor Vehicle in Violation	36440	5YR	07/02/2012	2012-14/72
R714-158	of Equipment Laws Vehicle Safety Inspection Program	36442	5YR	07/02/2012	2012-14/73
K7 14-130	Requirements	30442	STK	01/02/2012	2012-14/73
R714-159	Vehicle Safety Inspection Apprenticeship	36439	5YR	07/02/2012	2012-14/73
	Program Guidelines				
R714-200	Standards for Vehicle Lights and Illuminating Devices	36433	5YR	07/02/2012	2012-14/74
R714-210	Standards for Motor Vehicle Air Conditioning	36441	5YR	07/02/2012	2012-14/74
R/ 14-210	Equipment	30441	SIK	01/02/2012	2012-14/14
R714-220	Standards for Protective Headgear	36434	5YR	07/02/2012	2012-14/75
R714-230	Standards and Specifications for Vehicle Seat	36435	5YR	07/02/2012	2012-14/75
17 14 200	Belts and Safety Harnesses	00400	OTIC	0170272012	2012 14/10
R714-240	Standards and Specifications for Child	36437	5YR	07/02/2012	2012-14/76
	Restraint Devices and Safety Belts				
R714-300	Standards for Motor Vehicle Braking Systems	36438	5YR	07/02/2012	2012-14/76
R714-550	Rule for Spending Fees Provided under	36436	5YR	07/02/2012	2012-14/77
	Section 53-1-117				
Peace Officer Standard	do and Training				
R728-401	Requirements for Approval and Certification of	36291	R&R	08/06/2012	2012-12/64
11/20-401	Peace Officer Basic Training Programs and	30291	IXXIX	00/00/2012	2012-12/04
	Applicants				
R728-408	POST Academy and the Emergency Vehicle	35568	REP	05/14/2012	2012-2/102
11.20 100	Operations Range are Secure Facilities	00000		00/11/2012	2012 27102
R728-409	Suspension or Revocation of Peace Officer	36290	AMD	08/06/2012	2012-12/68
	Certification				
R728-411	Guidelines Regarding Administrative Action	35627	5YR	01/06/2012	2012-3/125
	Taken Against Individuals Functioning As				
	Peace Officers Without Peace Officer				
	Certification Or Powers				
R728-505	Service Dog Program Rules	36245	5YR	05/17/2012	2012-12/90
PUBLIC SERVICE CO	MMISSION				
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<u>Administration</u>					
R746-100	Practice and Procedures Governing Formal	35508	AMD	02/07/2012	2012-1/30
	Hearings				
R746-100	Practice and Procedures Governing Formal	35900	AMD	05/07/2012	2012-6/24
	Hearings				
R746-100	Practice and Procedures Governing Formal	36195	AMD	07/09/2012	2012-11/94
D=10.015 :	Hearings			00/0=::	0010 1155
R746-310-1	General Provisions	35505	AMD	02/07/2012	2012-1/38
R746-310-2	Customer Relations	35925	NSC	03/22/2012	Not Printed
R746-320	Uniform Rules Governing Natural Gas Service	35926	NSC	03/22/2012	Not Printed

R746-342	Rule on One-Way Paging	35509	REP	02/07/2012	2012-1/40
R746-343-4	Approval of an Application	36029	AMD	06/20/2012	2012-9/64
R746-348	Interconnection	35651	5YR	01/11/2012	2012-3/126
R746-349	Competitive Entry and Reporting Requirements	35916	5YR	03/06/2012	2012-7/71
R746-351	Pricing Flexibility	35917	5YR	03/06/2012	2012-7/72
R746-365	Intercarrier Service Quality	35927	NSC	03/22/2012	Not Printed
R746-400	Public Utility Reports	36358	5YR	06/13/2012	2012-13/114
R746-405-2	Format and Construction of Tariffs	35507	AMD	02/07/2012	2012-1/41
R746-405-2	Format and Construction of Tariffs	35896	AMD	05/07/2012	2012-6/31
R746-405-2	Format and Construction of Tariffs	36208	AMD	07/09/2012	2012-11/102
R746-420	Requests for Approval of a Solicitation Process	36166	5YR	05/10/2012	2012-11/183
R746-430		36167			
R/40-430	Procedural and Informational Requirements for	30107	5YR	05/10/2012	2012-11/184
	Action Plans, for an Approval of a Significant				
	Energy Resource, for Determination of				
	Whether to Proceed, and for Waivers of a				
	Solicitation Process or of an Approval of a				
	Significant Energy Resource				
R746-440	Voluntary Resource Decision	35924	5YR	03/08/2012	2012-7/73
R746-800	Working 4 Utah Operations	35506	REP	02/07/2012	2012-1/43
1740-000	Working 4 Otah Operations	33300	NLF	02/07/2012	2012-1/43
REGENTS (BOARD OF	-)				
Administration					
	Now Contury Coholorobin	26465	AMD	07/00/2012	2012 11/104
R765-604	New Century Scholarship	36165	AIVID	07/09/2012	2012-11/104
College of Eastern Utah	<u>1</u>				
R767-1	Government Records Access and Management	36391	EXT	06/18/2012	2012-14/83
	Act			00/10/2012	
	ACI				
University of Utah, Com	<u>nmuter Services</u>				
R810-2	Parking Meters	35888	5YR	02/17/2012	2012-6/38
R810-5	Permit Types, Eligibility and Designated	35889	5YR	02/17/2012	2012-6/39
1010-5		33009	JII	02/11/2012	2012-0/33
	Parking Areas				
R810-6	Permit Prices and Refunds	35882	5YR	02/16/2012	2012-6/39
R810-9	Contractors and Their Employees	35883	5YR	02/17/2012	2012-6/40
R810-10	Enforcement System	35884	5YR	02/17/2012	2012-6/40
R810-11	Appeals System	35890	5YR	02/17/2012	2012-6/41
SCHOOL AND INSTITU	JTIONAL TRUST LANDS				
Administration					
Administration	5 5 W 6 T		->./D	0=10010010	001010100
R850-1	Definition of Terms	36274	5YR	05/23/2012	2012-12/90
R850-2	Trust Land Management Objectives	36275	5YR	05/23/2012	2012-12/91
R850-3	Applicant Qualifications, Application Forms,	36276	5YR	05/23/2012	2012-12/91
1,000 0		00270	OTIC	00/20/2012	2012 12/01
	and Application Processing				
R850-4	Application Fees and Assessments	36408	5YR	06/27/2012	2012-14/77
R850-5	Payments, Royalties, Audits, and	36409	5YR	06/27/2012	2012-14/78
	Reinstatements				
D050 6		26440	EVD	06/07/2012	2012 14/70
R850-6	Government Records Access and Management		5YR	06/27/2012	2012-14/78
R850-8	Adjudicative Proceedings	36446	NSC	07/25/2012	Not Printed
R850-11	Procurement	36088	5YR	04/24/2012	2012-10/95
R850-21-300	Lease Application Process	36279	AMD	07/23/2012	2012-12/71
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R850-30	Special Use Leases	36411	5YR	06/27/2012	2012-14/79
R850-40	Easements	36412	5YR	06/27/2012	2012-14/79
R850-41	Rights of Entry	35542	NEW	02/07/2012	2012-1/44
R850-50	Range Management	36413	5YR	06/27/2012	2012-14/80
R850-60	Cultural Resources	36414	5YR	06/27/2012	2012-14/80
R850-80	Sale of Trust Lands	36415	5YR	06/27/2012	2012-14/81
R850-90	Land Exchanges	35655	5YR	01/12/2012	2012-3/126
R850-100	Trust Land Management Planning	36655	5YR	08/15/2012	Not Printed
R850-120	Beneficiary Use of Institutional Trust Land	35656	5YR	01/12/2012	2012-3/127
SCIENCE TECHNOLO	GY AND RESEARCH GOVERNING AUTH.				
Administration					
Administration	Formation and Funding (UV 1.0.1	00000	EVD	04/05/0040	0040 0/404
R856-1	Formation and Funding of Utah Science	36083	EXD	04/05/2012	2012-9/101
	Technology and Research Innovation Teams				

R856-1	Formation and Funding of Utah Science	36156	NEW	07/31/2012	2012-11/108
R856-2	Technology and Research Innovation Teams Distribution of Utah Science Technology and	36084	EXD	04/05/2012	2012-17/100
	Research Commercialization Revenues				
R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	36155	NEW	07/31/2012	2012-11/110
R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	36491	NSC	07/31/2012	Not Printed
TAX COMMISSION					
Administration	Administrative Dresedures	35505	EVD	04/02/2012	2012 2/122
R861-1A R861-1A-9	Administrative Procedures Tax Commission as Board of Equalization Pursuant to Utah Code Ann. Sections 59-2- 212, 59-2-1004, and 59-2-1006	35595 35862	5YR AMD	01/03/2012 04/12/2012	2012-2/122 2012-5/93
R861-1A-16	Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207	36061	AMD	06/14/2012	2012-9/65
R861-1A-20	Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-501, 59-2-1007, 59-7-517, 59-10-532, 59-10-533, 59-10-535, 59-12-114, 59-13-210, 63G-4-201, 63G-4-401, 68-3-7, and 68-3-8.5	36172	AMD	07/26/2012	2012-11/111
Auditing	Comparation Income Tou	25507	EVD.	04/02/2042	2042 2/425
R865-3C R865-3C-1	Corporation Income Tax Allocation of Net Income Pursuant to Utah Code Ann. Section 59-7-204	35597 35863	5YR AMD	01/03/2012 04/12/2012	2012-2/125 2012-5/95
R865-4D	Special Fuel Tax	35598	5YR	01/03/2012	2012-2/125
R865-6F	Franchise Tax	35599	5YR	01/03/2012	2012-2/126
R865-6F-6	Application of Corporation Franchise or Income Tax Acts to Qualified Corporations and to Nonqualified Foreign Corporations Pursuant to Utah Code Ann. Section 59-7-104		AMD	07/26/2012	2012-11/113
R865-9I R865-9I-49	Income Tax Higher Education Savings Incentive Program Administration Pursuant to Utah Code Ann. Sections 53B-8a-112, 59-10-114, and 59-10- 1017	35600 36173	5YR AMD	01/03/2012 07/26/2012	2012-2/127 2012-11/116
R865-11Q	Self-Insured Employer Assessment	35601	5YR	01/03/2012	2012-2/130
R865-12L R865-12L-14	Local Sales and Use Tax Local Sales and Use Tax Distributions and Redistributions Pursuant to Utah Code Ann. Sections 59-12-210 and 59-12-210.1	35602 36171	5YR AMD	01/03/2012 07/26/2012	2012-2/130 2012-11/117
R865-13G	Motor Fuel Tax	35603	5YR	01/03/2012	2012-2/131
R865-14W	Mineral Producers' Withholding Tax	35604	5YR	01/03/2012	2012-2/132
R865-15O R865-19S	Oil and Gas Tax Sales and Use Tax	35605 35606	5YR 5YR	01/03/2012 01/03/2012	2012-2/133 2012-2/133
R865-19S-32	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-103	35511	AMD	02/09/2012	2012-1/48
R865-19S-123	Specie Legal Tender Pursuant to Utah Code Ann. Section 59-12-107	36175	AMD	07/26/2012	2012-11/118
R865-20T	Tobacco Tax	35607	5YR	01/03/2012	2012-2/137
Collections R867-2B-2	Jeopardy Assessment Pursuant to Utah Code Ann. Sections 59-1-701 and 59-1-702	36168	AMD	07/26/2012	2012-11/119
R867-2B-4	Uniform Affixing and Displaying of Drug Stamps Pursuant to Utah Code Ann. Section 59-19-104	36169	AMD	07/26/2012	2012-11/120
Motor Vehicle R873-22M	Motor Vehicle	35608	5YR	01/03/2012	2012-2/138
Motor Vehicle Enforcer		05000	5) (D	04/00/02/2	0040 04440
R877-23V R877-23V-7	Motor Vehicle Enforcement Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210	35609 36062	5YR AMD	01/03/2012 06/14/2012	2012-2/140 2012-9/67

R877-23V-20	Reasonable Cause to Deny, Suspend, or Revoke a License Issued Under Title 41, Chapter 3 Pursuant to Utah Code Ann. Section	35512	AMD	02/09/2012	2012-1/49	
R877-23V-21	41-3-209 Automated License Plate Recognition System	35513	AMD	02/09/2012	2012-1/50	
R877-23V-22	Pursuant to Utah Code Ann. Section 41-3-105 Reasonable Cause to Waive, Reduce, or Compromise a Penalty Pursuant to Utah Code	36063	AMD	06/14/2012	2012-9/70	
	Ann. Section 41-3-704					
Property Tax						
R884-24P	Property Tax	35592	5YR	01/03/2012	2012-2/141	
R884-24P-62	Valuation of State Assessed Unitary Properties Pursuant to Utah Code Ann. Section 59-2-201	35514	AMD	02/09/2012	2012-1/51	
R884-24P-66	Appeal to County Board of Equalization	35864	AMD	04/12/2012	2012-5/96	
R884-24P-66	Pursuant to Utah Code Ann. Section 59-2-1004 County Board of Equalization Procedures and	36174	AMD	07/26/2012	2012-11/121	
N004-24F-00	Appeals Pursuant to Utah Code Ann. Section 59-2-1004	30174	AWD	0772072012	2012-11/121	
R884-24P-68	Property Tax Exemption for Taxable Tangible	36064	AMD	06/14/2012	2012-9/71	
	Personal Property With a Total Aggregate Fair Market Value of \$3,500 or Less Pursuant to Utah Code Ann. Section 59-2-1115					
TECHNOLOGY SERV	ICES					
Administration						
R895-3	Computer Software Licensing, Copyright,	35989	EXT	03/29/2012	2012-8/91	
	Control, Retention, and Transfer					
TRANSPORTATION						
<u>Administration</u>						
R907-60	Handling of Publications Prepared by the Utah Department of Transportation Either for Sale or Free Copy	35670	REP	03/12/2012	2012-3/80	
R907-68 (Changed to	Prioritization of New Transportation Capacity	36178	AMD	07/09/2012	2012-11/123	
R940-6) R907-69	Projects Records Access	35672	NEW	03/12/2012	2012-3/81	
K907-09	Records Access	35072	INEVV	03/12/2012	2012-3/01	
Motor Carrier						
R909-1	Safety Regulations for Motor Carriers	35425	AMD	01/10/2012	2011-23/90	
R909-1	Safety Regulations for Motor Carriers	35873	AMD	04/11/2012	2012-5/99	
R909-16	Overall Motor Carrier Safety Standing	35427	REP	01/10/2012	2011-23/92	
R909-17	Appeal Process for Utah Commercial Vehicle Safety Alliance Inspections	35428	REP	01/10/2012	2011-23/94	
R909-19	Safety Regulations for Tow Truck Operations -	35256	AMD	02/07/2012	2011-20/41	
	Tow Truck Requirements for Equipment,					
R909-19	Operation and Certification Safety Regulations for Tow Truck Operations -	35256	CPR	02/07/2012	2012-1/64	
11000 10	Tow Truck Requirements for Equipment,	00200	01.10	02/07/2012	2012 1/01	
D000 75	Operation and Certification	25426	AMD	01/10/2012	2011-23/96	
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or	35426	AIVID	01/10/2012	2011-23/96	
	Hazardous Wastes					
Operations, Maintenance						
R918-3	Snow Removal	35515	AMD	02/07/2012	2012-1/55	
R918-3	Snow Removal	36609	5YR	08/01/2012	2012-16/198	
R918-4	Using Volunteer Groups for the Adopt-a-	35669	AMD	03/12/2012	2012-3/82	
	Highway Program			-	-	
Operations, Traffic and Safety						
R920-1	Manual of Uniform Traffic Control Devices	36616	5YR	08/01/2012	2012-16/199	
R920-3	Manual of Uniform Traffic Control Devices, Part		EXT	08/01/2012	2012-16/203	
D020 4	VI Pormit Poquired for Special Poad Use or Event	36612	5YR	09/01/2012	2012 16/200	
R920-4	Permit Required for Special Road Use or Event	JUU 12	JIN	08/01/2012	2012-16/200	

R920-5	1/2012 2012-16/200 6/2012 2012-9/98 7/2012 2012-9/72 1/2012 2012-16/201 7/2012 2012-1/57 0/2012 2011-23/97 4/2012 2012-11/168 0/2012 2012-8/90 1/2012 Not Printed	R R R ID ID ID IR R	36617 5YR 36081 5YR 36082 AMD 36618 5YR 35516 AMD 35429 AMD 36180 EMR 35959 5YR	Part VII of the Manual of Devices quirements ety ety ailroads ent	Zones. Supple on Uniform Tra R920-6 Snow Tire and R920-50 Ropeway Oper R920-51 Safety Regulat Preconstruction R930-3 Highway Noise Preconstruction, Right-of-Way Acquisitin R933-1 Right of Way A R933-2 Control of Outc
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R920-50 Ropeway Operation Safety 36081 5YR 04/16/2012 R920-51 Safety Regulations for Railroads 36618 5YR 08/01/2012 R920-51 Safety Regulations for Railroads 36618 5YR 08/01/2012 Preconstruction Right of Way Acquisition 35516 AMD 02/07/2012 R933-1 Right of Way Acquisition 35429 AMD 01/10/2012 R933-2 Control of Outdoor Advertising Signs 36180 EMR 05/14/2012 Program Development Establishing and Defining a Functional 35960 NSC 04/11/2012 R926-4 Establishing and Defining a Functional 35960 NSC 04/11/2012 R926-6 (Changed to Ryador) Establishing and Defining a Functional 35960 NSC 04/11/2012 R926-6 (Changed to Ryador) Requirements for Claims where no Proof of Stock Ownership Exists 36179 NSC 05/30/2012 WORKFORCE SERVICES Requirements for Claims where no Proof of Stock Ownership Exists 5YR 06/12/2012 Administration Americans with Disabilities Complaint 36354	6/2012 2012-9/98 7/2012 2012-9/72 1/2012 2012-16/201 7/2012 2012-1/57 0/2012 2011-23/97 4/2012 2012-11/168 0/2012 2012-8/90 1/2012 Not Printed 0/2012 Not Printed	R ID R ID ID ID IR R	36081 5YR 36082 AMD 36618 5YR 35516 AMD 35429 AMD 36180 EMR 35959 5YR 35960 NSC	ety ety ailroads ent rtising Signs g a Functional	R920-50 Ropeway Oper R920-50 Ropeway Oper R920-51 Safety Regular Preconstruction R930-3 Highway Noise Preconstruction, Right-of-Way Acquisitin R933-1 Right of Way A R933-2 Control of Outer
R920-50 Ropeway Operation Safety 36082 AMD 06/07/2012 R920-51 Safety Regulations for Railroads 36618 5YR 08/01/2012 Preconstruction Right of Way Acquisition 35516 AMD 02/07/2012 Preconstruction, Right-of-Way Acquisition 35429 AMD 01/10/2012 R933-1 Right of Way Acquisition 35429 AMD 01/10/2012 Program Development R926-4 Establishing and Defining a Functional Classification of Highways in the State of Utah Establishing and Defining a Functional Classification of Highways in the State of Utah Establishing and Defining a Functional Classification of Highways in the State of Utah Establishing and Defining a Functional Classification of Highways in the State of Utah Establishing and Defining a Functional Classification of Highways in the State of Utah Establishing and Defining a Functional Classification of Highways in the State of Utah Establishing and Establishing Establishing State and Establishing State and Establishing Establishing State and Establishing State Programs Estandards	7/2012 2012-9/72 1/2012 2012-16/201 7/2012 2012-1/57 0/2012 2011-23/97 4/2012 2012-11/168 0/2012 2012-8/90 1/2012 Not Printed 0/2012 Not Printed	ID R ID ID ID IR R	36082 AMD 36618 5YR 35516 AMD 35429 AMD 36180 EMR 35959 5YR 35960 NSC	etý ailroads ent rtising Signs g a Functional	R920-50 Ropeway Oper R920-51 Safety Regular Preconstruction R930-3 Highway Noise Preconstruction, Right-of-Way Acquisitin R933-1 Right of Way A R933-2 Control of Outo
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Preconstruction Right-of-Way Acquisition Right of Way Acquisition R	7/2012 2012-1/57 0/2012 2011-23/97 4/2012 2012-11/168 0/2012 2012-8/90 1/2012 Not Printed 0/2012 Not Printed	ID ID IR R C	35516 AMD 35429 AMD 36180 EMR 35959 5YR 35960 NSC	nt rtising Signs g a Functional	Preconstruction R930-3 Highway Noise Preconstruction, Right-of-Way Acquisitin R933-1 Right of Way A R933-2 Control of Outo
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Program Development	4/2012 2012-11/168 0/2012 2012-8/90 1/2012 Not Printed 0/2012 Not Printed	R C	36180 EMR 35959 5YR 35960 NSC	rtising Signs g a Functional	R933-2 Control of Outo
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R926-4	1/2012 Not Printed 0/2012 Not Printed	С	35960 NSC		Program Development
Classification of Highways in the State of Utah	1/2012 Not Printed 0/2012 Not Printed	С	35960 NSC		
R926-4	0/2012 Not Printed				3 -
R828-6 (Changed to R940-7) Transportation Corridor Preservation Revolving 36179 NSC 05/30/2012 TREASURER Unclaimed Property Requirements for Claims where no Proof of Stock Ownership Exists WORKFORCE SERVICES Administration R982-101 Americans with Disabilities Complaint Procedure 36354 5YR 06/12/2012 R982-201 Americans with Disabilities Complaint Procedure 36355 5YR 06/12/2012 R982-201 Councils 36356 5YR 06/12/2012 R982-301 Councils 36356 5YR 06/12/2012 R982-401 Energy Assistance: General Provisions 36193 NEW 07/09/2012 R982-402 Energy Assistance Programs Standards 36194 NEW 07/09/2012 R982-403 Energy Assistance Programs Standards 36196 NEW 07/31/2012 R982-403 Energy Assistance Programs Standards 36196 NEW 07/09/2012 R982-403 Energy Assistanc		С			
TREASURER		С			
TREASURER Unclaimed Property Requirements for Claims where no Proof of Stock Ownership Exists 36504 5YR 07/18/2012 WORKFORCE SERVICES Administration R982-101 Americans with Disabilities Complaint 36354 5YR 06/12/2012 R982-201 Government Records Access and Management 36355 5YR 06/12/2012 R982-301 Councils 36356 5YR 06/12/2012 R982-401 Energy Assistance: General Provisions 36193 NEW 07/09/2012 R982-402 Energy Assistance Programs Standards 36194 NEW 07/09/2012 R982-402 Energy Assistance Programs Standards 36194 NEW 07/09/2012 R982-402 Energy Assistance Income Standards 36194 NEW 07/09/2012 R982-403 Energy Assistance Income Standards 1, Income 36196 NEW 07/09/2012 R982-403 Energy Assistance Income Standards 1, Income 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36207	8/2012 2012-16/201		36179 NSC	Preservation Revolving	` •
Note	8/2012 2012-16/201				R940-7) Loan Fund
Note	8/2012 2012-16/201				TDEASLIDED
Requirements for Claims where no Proof of Stock	8/2012 2012-16/201				INLASONEN
Requirements for Claims where no Proof of Stock	8/2012 2012-16/201				Unclaimed Property
Administration R982-101 Americans with Disabilities Complaint 36354 5YR 06/12/2012 R982-201 Government Records Access and Management 36355 5YR 06/12/2012 R982-301 Councils 36356 5YR 06/12/2012 R982-401 Energy Assistance: General Provisions 36193 NEW 07/09/2012 R982-401 Energy Assistance: General Provisions 36512 NSC 07/31/2012 R982-402 Energy Assistance Programs Standards 36513 NSC 07/31/2012 R982-402 Energy Assistance Programs Standards 36513 NSC 07/31/2012 R982-403 Energy Assistance Income Standards, Income 36196 NEW 07/09/2012 R982-403 Energy Assistance Income Standards, Income 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-404 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36207		R	36504 5YR	where no Proof of	
R982-101					Stock Ownersh
R982-101					W05//50505 055//050
R982-101 Americans with Disabilities Complaint Procedure 36354 5YR 06/12/2012 Procedure R982-201 Government Records Access and Management Act 36355 5YR 06/12/2012 Procedure R982-301 Councils 36356 5YR 06/12/2012 Procedure R982-401 Energy Assistance: General Provisions					WORKFORCE SERVICES
R982-101 Americans with Disabilities Complaint Procedure 36354 5YR 06/12/2012 Procedure R982-201 Government Records Access and Management Act 36355 5YR 06/12/2012 Procedure R982-301 Councils 36356 5YR 06/12/2012 Procedure R982-401 Energy Assistance: General Provisions					Administration
R982-201 Government Records Access and Management 36355 5YR 06/12/2012 Act Act Act Act Act Act Act Government Records Access and Management 36355 5YR 06/12/2012 R982-401 Energy Assistance: General Provisions 36193 NEW 07/09/2012 R982-401 Energy Assistance: General Provisions 36512 NSC 07/31/2012 R982-402 Energy Assistance Programs Standards 36194 NEW 07/09/2012 R982-402 Energy Assistance Programs Standards 36513 NSC 07/31/2012 R982-403 Energy Assistance Income Standards, Income 36196 NEW 07/09/2012 Eligibility, and Payment Determination R982-403 Energy Assistance Income Standards, Income 36514 NSC 07/31/2012 Eligibility, and Payment Determination R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-404 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Eligibility Determination 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012 R982-501 Olene Walke	2/2012 2012-13/115	R	36354 5YR	es Complaint	
R982-301 Councils 36356 5YR 06/12/2012					
R982-301 Councils 36356 5YR 06/12/2012 R982-401 Energy Assistance: General Provisions 36193 NEW 07/09/2012 R982-401 Energy Assistance: General Provisions 36512 NSC 07/31/2012 R982-402 Energy Assistance Programs Standards 36513 NSC 07/31/2012 R982-402 Energy Assistance Income Standards 36513 NSC 07/31/2012 R982-403 Energy Assistance Income Standards, Income 36196 NEW 07/09/2012 R982-403 Energy Assistance Income Standards, Income 36514 NSC 07/31/2012 R982-403 Energy Assistance: Income Standards, Income 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36210 NEW 07/09/2012 <td>2/2012 2012-13/115</td> <td>₹</td> <td>36355 5YR</td> <td>cess and Management</td> <td>R982-201 Government R</td>	2/2012 2012-13/115	₹	36355 5YR	cess and Management	R982-201 Government R
R982-401 Energy Assistance: General Provisions 36193 NEW 07/09/2012 R982-401 Energy Assistance: General Provisions 36512 NSC 07/31/2012 R982-402 Energy Assistance Programs Standards 36194 NEW 07/09/2012 R982-402 Energy Assistance Programs Standards 36513 NSC 07/31/2012 R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination NEW 07/09/2012 R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36514 NSC 07/31/2012 R982-403 Energy Assistance: Income Standards, Income Eligibility, and Payment Determination 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36215 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36517 NSC 07/31/2012 R982-407 <					
R982-401 Energy Assistance: General Provisions 36512 NSC 07/31/2012 R982-402 Energy Assistance Programs Standards 36194 NEW 07/09/2012 R982-402 Energy Assistance Programs Standards 36513 NSC 07/31/2012 R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36196 NEW 07/09/2012 R982-403 Energy Assistance Income Standards, Income Energy Assistance Income Standards, Income Energy Assistance Income Standards, Income Energy Assistance: Asset Standards 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-405 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Records and Benefit 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/201					
R982-402 Energy Assistance Programs Standards 36194 NEW 07/09/2012 R982-402 Energy Assistance Programs Standards 36513 NSC 07/31/2012 R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36196 NEW 07/09/2012 R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-404 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-408 Energy Assistance: S					
R982-402 Energy Assistance Programs Standards 36513 NSC 07/31/2012 R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36196 NEW 07/09/2012 R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-404 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistan					
R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36196 NEW 07/09/2012 R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-404 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Records and Benefit 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-501 Olene Walker					
Eligibility, and Payment Determination R982-403 Energy Assistance Income Standards, Income 36514 R982-404 Energy Assistance: Asset Standards 36197 R982-404 Energy Assistance: Asset Standards 36515 R982-405 Energy Assistance: Program Benefits 36207 R982-405 Energy Assistance: Program Benefits 36516 R982-405 Energy Assistance: Program Benefits 36516 R982-406 Energy Assistance: Eligibility Determination 36209 R982-406 Energy Assistance: Eligibility Determination 36517 R982-407 Energy Assistance: Records and Benefit 36517 R982-407 Energy Assistance: Records and Benefit 36518 R982-407 Energy Assistance: Records and Benefit 36518 R982-408 Energy Assistance: Special State Programs 36212 R982-408 Energy Assistance: Special State Programs 36519 R982-408 Energy Assistance: Special State Programs 36519 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC O7/31/2012					
R982-403 Energy Assistance Income Standards, Income Eligibility, and Payment Determination 36514 NSC 07/31/2012 R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-404 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Eligibility Determination 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF)	2012 11/100	**	OO TOO TILLY		
R982-404 Energy Assistance: Asset Standards 36197 NEW 07/09/2012 R982-404 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Eligibility Determination 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-407 Energy Assistance: Special State Programs 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW	1/2012 Not Printed	С	36514 NSC		
R982-404 Energy Assistance: Asset Standards 36515 NSC 07/31/2012 R982-405 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Eligibility Determination 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 Management Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012				Determination	Eligibility, and
R982-405 Energy Assistance: Program Benefits 36207 NEW 07/09/2012 R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Eligibility Determination 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 Management Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC	9/2012 2012-11/132	W	36197 NEW	et Standards	R982-404 Energy Assista
R982-405 Energy Assistance: Program Benefits 36516 NSC 07/31/2012 R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Eligibility Determination 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 Management Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012					
R982-406 Energy Assistance: Eligibility Determination 36209 NEW 07/09/2012 R982-406 Energy Assistance: Eligibility Determination 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 Management Management NSC 07/09/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012					
R982-406 Energy Assistance: Eligibility Determination 36517 NSC 07/31/2012 R982-407 Energy Assistance: Records and Benefit 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 Management Management NSC 07/09/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012					
R982-407 Energy Assistance: Records and Benefit Management 36210 NEW 07/09/2012 R982-407 Energy Assistance: Records and Benefit Management 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs R982-408 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs R982-501 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012					
Management R982-407 Energy Assistance: Records and Benefit 36518 NSC 07/31/2012 Management Management NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012					
R982-407 Energy Assistance: Records and Benefit Management 36518 NSC 07/31/2012 R982-408 Energy Assistance: Special State Programs R982-408 36212 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012	9/2012 2012-11/135	VV	30210 INEVV	orus anu beneni	
Management R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012	1/2012 Not Printed	С	36518 NSC	ords and Benefit	
R982-408 Energy Assistance: Special State Programs 36212 NEW 07/09/2012 R982-408 Energy Assistance: Special State Programs 36519 NSC 07/31/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012	172012 11001111100	·	1100	ordo and Bonom	0,
R982-501 Olene Walker Housing Loan Fund (OWHLF) 36213 NEW 07/09/2012 R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012	9/2012 2012-11/136	W	36212 NEW	cial State Programs	•
R982-501 Olene Walker Housing Loan Fund (OWHLF) 36520 NSC 07/31/2012	1/2012 Not Printed	С	36519 NSC	cial State Programs	R982-408 Energy Assista
	9/2012 2012-11/138	W			
				` ,	
R982-601 Provider Code of Conduct 36357 5YR 06/12/2012	2/2012 2012-13/116	₹	36357 5YR	ct	R982-601 Provider Code
Employment Development					
R986-100-114a Determining When a Document is Considered 36304 AMD 07/25/2012	5/2012 2012-12/73	ID	36304 AMD	cument is Considered	
Received by the Department	2012-1210	_	AWID AWID		•
		ıD	35919 AMD		
R986-200-214 Assistance for Specified Relatives 35919 AMD 05/22/2012	2/2012 2012-7/54		36133 AMD		
·				1110	R986-200-221 Drug Testing R
	1/2012 2012-10/83	ID	35501 AMD		

R986-700-712	CC for Certain Homeless Families	36303	AMD	07/25/2012	2012-12/74	
R986-700-713	Amount of CC Payment	35586	AMD	04/01/2012	2012-2/104	
R986-900-902	Options and Waivers	35993	AMD	07/01/2012	2012-8/67	
R986-900-902	Options and Waivers	36300	AMD	07/25/2012	2012-12/75	
1,000 000 002	Options and Walvers	00000	7 WID	0172072012	2012 12/10	
Housing and Communit	y Development					
R990-8	Permanent Community Impact Fund Board	36216	NEW	07/09/2012	2012-11/140	
	Review and Approval of Applications for					
	Funding Assistance					
R990-8	Permanent Community Impact Fund Board	36521	NSC	07/31/2012	Not Printed	
	Review and Approval of Applications for					
	Funding Assistance					
R990-9	Policy Concerning Enforceability and Taxability	36217	NEW	07/09/2012	2012-11/144	
	of Bonds Purchased					
R990-9	Policy Concerning Enforceability and Taxability	36522	NSC	07/31/2012	Not Printed	
	of Bonds Purchased					
R990-10	Procedures in Case of Inability to Formulate	36218	NEW	07/09/2012	2012-11/145	
	Contract for Alleviation of Impact					
R990-10	Procedures in Case of Inability to Formulate	36523	NSC	07/31/2012	Not Printed	
5000 11	Contract for Alleviation of Impact			0=10010010		
R990-11	Community Development Block Grants (CDBG)		NEW	07/09/2012	2012-11/148	
R990-11	Community Development Block Grants (CDBG)		NSC	07/31/2012	Not Printed	
R990-12	State Small Business Credit Initiative Program	36486	EMR	07/12/2012	2012-15/69	
D000 400	Fund	20224	NIENA/	07/00/0040	0040 44/454	
R990-100	Community Services Block Grant Rules	36221	NEW	07/09/2012	2012-11/151	
R990-100 R990-101	Community Services Block Grant Rules Qualified Emergency Food Agencies Fund	36525 36220	NSC NEW	07/31/2012	Not Printed	
R990-101	(QEFAF)	30220	INEVV	07/09/2012	2012-11/156	
R990-101	Qualified Emergency Food Agencies Fund	36526	NSC	07/31/2012	Not Printed	
1330-101	(QEFAF)	30320	1400	01/01/2012	Not i illitou	
	(QLITTI)					
Unemployment Insurance						
R994-102	Employment Security Act, Public Policy and	36091	5YR	04/25/2012	2012-10/96	
	Authority					
R994-106	Combined Wage Claims	36092	5YR	04/25/2012	2012-10/96	
R994-207-102	General Requirements for Eligibility	35992	NSC	04/11/2012	Not Printed	
R994-303	Contribution Rates	36093	5YR	04/25/2012	2012-10/97	
R994-401	Payment of Benefits	36094	5YR	04/25/2012	2012-10/97	
R994-402	Extended Benefits (EB)	36095	5YR	04/25/2012	2012-10/98	
R994-403	Claim for Benefits	36223	AMD	07/09/2012	2012-11/159	
R994-403-112c	Available	35448	AMD	01/17/2012	2011-23/98	
R994-404	Payments Following Workers' Compensation	36256	5YR	05/22/2012	2012-12/92	
R994-405	Ineligibility for Benefits	36224	AMD	07/09/2012	2012-11/164	
R994-405-104	Quit to Accompany, Follow or Join a Spouse	36134	AMD	07/01/2012	2012-10/84	
R994-406	Fraud, Fault and Nonfault Overpayments	36257	5YR	05/22/2012	2012-12/92	
R994-508	Appeal Procedures	35455	AMD	02/01/2012	2011-23/101	

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

NSC = Nonsubstantive rule change AMD = Amendment

CPR = Change in proposed rule REP = Repeal

R&R = Repeal and reenact 5YR = Five-Year Review EMR = Emergency rule (120 day) NEW = New rule EXD = Expired

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
access to information Administrative Services, Administration	36285	R13-2-4	AMD	08/07/2012	2012-12/8
accessing records Human Services, Recovery Services	35631	R527-5	5YR	01/06/2012	2012-3/116
accidents Administrative Services, Fleet Operations	36024	R27-7	AMD	06/28/2012	2012-9/4
accounts receivable Administrative Services, Debt Collection	36420	R21-1	5YR	06/28/2012	2012-14/59
	36421 36422	R21-2 R21-3	5YR 5YR	06/28/2012 06/28/2012	2012-14/60 2012-14/60
accreditation Education, Administration	36588 36589 36590 36644	R277-410 R277-411 R277-412 R277-505	5YR 5YR 5YR 5YR	08/01/2012 08/01/2012 08/01/2012 08/14/2012	2012-16/191 2012-16/191 2012-16/192 Not Printed
acid rain Environmental Quality, Air Quality	36340	R307-417	5YR	06/06/2012	2012-13/105
action plan Public Service Commission, Administration	36167	R746-430	5YR	05/10/2012	2012-11/184
ADA Insurance, Administration	36386	R590-149	5YR	06/18/2012	2012-14/69
adjudicative procedures Commerce, Securities Community and Culture, Library	36463 36328	R164-18 R223-1	5YR 5YR	07/11/2012 06/05/2012	2012-15/77 2012-13/98
adjudicative proceedings Commerce, Administration Community and Culture, History Environmental Quality, Environmental Response and Remediation	36104 36299 36054	R151-4-306 R212-1 R311-210	AMD 5YR 5YR	06/21/2012 05/31/2012 04/10/2012	2012-10/16 2012-12/83 2012-9/89
Environmental Quality, Radiation Control Public Safety, Driver License	35416 35637 35638	R313-17 R708-14 R708-35	AMD 5YR 5YR	03/19/2012 01/09/2012 01/09/2012	2011-23/50 2012-3/123 2012-3/124
School and Institutional Trust Lands, Administration adjudicative process	36446	R850-8	NSC	07/25/2012	Not Printed
Administrative Services, Debt Collection	36421	R21-2	5YR	06/28/2012	2012-14/60
administrative law Human Services, Recovery Services	36348 36350	R527-253 R527-258	5YR 5YR	06/12/2012 06/12/2012	2012-13/109 2012-13/110
administrative offset Administrative Services, Debt Collection	36422	R21-3	5YR	06/28/2012	2012-14/60
administrative procedures Auditor, Administration Commerce, Administration Commerce, Consumer Protection Community and Culture, History Community and Culture, Library Corrections, Administration	36506 36104 35974 36299 36328 35762 35769 35807 35449 35534	R123-3 R151-4-306 R152-6 R212-1 R223-1 R251-108 R251-108 R251-108 R277-100 R277-102	5YR AMD 5YR 5YR 5YR EXD EMR NEW AMD R&R	07/18/2012 06/21/2012 03/26/2012 05/31/2012 06/05/2012 01/18/2012 02/01/2012 04/09/2012 01/10/2012 02/07/2012	2012-16/183 2012-10/16 2012-8/71 2012-12/83 2012-13/98 2012-4/123 2012-4/49 2012-5/15 2011-23/21 2012-1/8

	35856	R277-102	NSC	02/29/2012	Not Printed
Environmental Quality, Radiation Control	35416	R313-17	AMD	03/19/2012	2011-23/50
Health, Administration	36096	R380-1	5YR	04/26/2012	2012-10/88
,	36097	R380-5	5YR	04/26/2012	2012-10/89
	36098	R380-10	5YR	04/26/2012	2012-10/89
Lluman Danauman Managanant Administration					
Human Resource Management, Administration	35823	R477-3	5YR	02/02/2012	2012-5/108
	36120	R477-3	AMD	07/02/2012	2012-10/54
	35832	R477-12	5YR	02/03/2012	2012-5/114
	35835	R477-15	5YR	02/03/2012	2012-5/115
Labor Commission, Adjudication	36399	R602-1	5YR	06/19/2012	2012-14/70
, ,	36400	R602-2	5YR	06/19/2012	2012-14/71
Labor Commission, Industrial Accidents	36402	R612-1	5YR	06/19/2012	2012-14/71
Labor Commission, industrial Accidents	36454	R612-1-10	NSC	07/25/2012	Not Printed
Natural Description Forestmy Fire and Chata Lands					
Natural Resources, Forestry, Fire and State Lands	36005	R652-1	5YR	04/02/2012	2012-8/82
	36006	R652-3	5YR	04/02/2012	2012-8/83
	36007	R652-4	5YR	04/02/2012	2012-8/83
	36008	R652-5	5YR	04/02/2012	2012-8/84
	36009	R652-20	5YR	04/02/2012	2012-8/85
	36010	R652-30	5YR	04/02/2012	2012-8/85
	36011	R652-40	5YR	04/02/2012	2012-8/86
	36012	R652-50	5YR	04/02/2012	2012-8/86
	36014	R652-70	5YR	04/02/2012	2012-8/87
	36016	R652-100	5YR	04/02/2012	2012-8/88
Natural Resources, Oil, Gas and Mining Board	36407	R641-113	NSC	07/12/2012	Not Printed
Natural Resources, Water Rights	36381	R655-6	5YR	06/15/2012	2012-13/113
Natural Resources, Wildlife Resources	36149	R657-2	5YR	05/04/2012	2012-11/181
Public Safety, Driver License	35632	R708-7	5YR	01/09/2012	2012-3/122
T abile calety, Briver Election	35633	R708-8	5YR	01/09/2012	2012-3/123
Cohool and Institutional Trust Lands Administration					
School and Institutional Trust Lands, Administration	36274	R850-1	5YR	05/23/2012	2012-12/90
	36276	R850-3	5YR	05/23/2012	2012-12/91
	36408	R850-4	5YR	06/27/2012	2012-14/77
	36409	R850-5	5YR	06/27/2012	2012-14/78
	36446	R850-8	NSC	07/25/2012	Not Printed
	36279	R850-21-300	AMD	07/23/2012	2012-12/71
	36411	R850-30	5YR	06/27/2012	2012-14/79
	36412	R850-40	5YR	06/27/2012	2012-14/79
	35542	R850-41	NEW	02/07/2012	2012-1/44
	36413	R850-50	5YR	06/27/2012	2012-14/80
	36415	R850-80	5YR	06/27/2012	2012-14/81
	35655	R850-90	5YR	01/12/2012	2012-3/126
	35656	R850-120	5YR	01/12/2012	2012-3/127
			****	•	
administrative proceedings					
Commerce, Real Estate	35915	R162-2e-402	AMD	05/23/2012	2012-7/25
Environmental Quality, Environmental Response and	35447	R311-201	AMD	01/13/2012	2011-23/45
Remediation					
	36045	R311-201	5YR	04/10/2012	2012-9/82
	36054	R311-210	5YR	04/10/2012	2012-9/89
administrative responsibility					
Human Resource Management, Administration	35822	R477-2	5YR	02/02/2012	2012-5/108
Turnari Nesource Management, Administration	36119	R477-2	AMD	07/02/2012	2012-10/51
	30119	K477-Z	AIVID	07/02/2012	2012-10/31
administrative rules		_			
Human Resource Management, Administration	35834	R477-13	5YR	02/03/2012	2012-5/115
	36127	R477-13	AMD	07/02/2012	2012-10/81
adopt-a-highway					
Transportation, Operations, Maintenance	35669	R918-4	AMD	03/12/2012	2012-3/82
Transportation, Operations, Maintenance	50000	1.010 -T	, 11410	00/ 12/20 12	2012 0/02
adantian					
adoption	05040	DE40.0	EVD.	00/05/0010	0040 7/00
adoption Human Services, Child and Family Services	35910	R512-2	5YR	03/05/2012	2012-7/68
	35913	R512-40	5YR	03/05/2012	2012-7/69
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	35913	R512-40	5YR	03/05/2012	2012-7/69

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Environmental Quality, Air Quality 36335 R307-403 5YR 06/06/2012 2012-13/102	air quality					
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		330-10	1.001 -11		33/00/2012	2312 10/100

<u>air travel</u>					
Administrative Services, Finance	36112	R25-7	AMD	07/01/2012	2012-10/4
aircraft	05000	D070 0014	E) (D)	04/00/0040	0040 04400
Tax Commission, Motor Vehicle	35608	R873-22M	5YR	01/03/2012	2012-2/138
alarm company					
alarm company Commerce, Occupational and Professional Licensing	35860	R156-55d	5YR	02/07/2012	2012-5/102
Commerce, Occupational and Professional Licensing	36191	R156-55d	NSC	05/30/2012	Not Printed
	30191	11130-334	NOC	03/30/2012	Not i filited
alcohol					
Human Services, Substance Abuse and Mental	35625	R523-24	AMD	03/09/2012	2012-3/67
Health					
Public Safety, Highway Patrol	36436	R714-550	5YR	07/02/2012	2012-14/77
alcoholic beverages					
Alcoholic Beverage Control, Administration	36271	R81-1-3	AMD	07/31/2012	2012-12/11
	35588	R81-1-6	AMD	03/01/2012	2012-2/20
	35942	R81-3-11	AMD	07/17/2012	2012-7/4
	35943	R81-4A-2	AMD	05/22/2012	2012-7/5
	35944	R81-4B-2	AMD	05/22/2012	2012-7/6
	35945	R81-4C-2	AMD	05/22/2012	2012-7/8
	35946	R81-4D-2	AMD	05/22/2012	2012-7/9
	35947	R81-4E-2	AMD	05/22/2012	2012-7/11
	35948	R81-4F-2	AMD	05/22/2012	2012-7/12
	36113	R81-4F-7	AMD	07/01/2012	2012-10/9
	36115	R81-4F-13	AMD	07/01/2012	2012-10/10
	35949	R81-5-2	AMD	05/22/2012	2012-7/13
	35950	R81-6-1	AMD	05/22/2012	2012-7/15
	36114	R81-7	AMD	07/01/2012	2012-10/11
	35951	R81-8-1	AMD	05/22/2012	2012-7/16
	35952	R81-9-1	AMD	05/22/2012	2012-7/17
	35953	R81-10A-3	AMD	05/22/2012	2012-7/19
	36116	R81-10B	AMD	07/01/2012	2012-10/14
	35954	R81-10C-2	AMD	05/22/2012	2012-7/20
	35955	R81-10D-2	AMD	05/22/2012	2012-7/21
	35956	R81-11-1	AMD	05/22/2012	2012-7/23
	35957	R81-12-1	AMD	05/22/2012	2012-7/24
all navar database					
all payer database	25616	R428-15	AMD	03/16/2012	2012-3/51
Health, Center for Health Data, Health Care Statistics	33010	N420-13	AIVID	03/10/2012	2012-3/31
alternative fuels					
Environmental Quality, Air Quality	35716	R307-121	5YR	01/23/2012	2012-4/81
Environmental Quality, All Quality	35718	R307-121-7	NSC	02/09/2012	Not Printed
	007 10	11007 1217	1100	02/00/2012	Not i inited
alternative licensing					
Education, Administration	35677	R277-503	AMD	03/12/2012	2012-3/24
Eddoddon, 7 danii ilodddon	35939	R277-503	5YR	03/15/2012	2012-7/63
	36073	R277-503	AMD	06/07/2012	2012-9/39
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alternative school					
Education, Administration	35538	R277-730	REP	02/07/2012	2012-1/16
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ambulance rates					
Health, Family Health and Preparedness, Emergency	36182	R426-16	AMD	07/19/2012	2012-11/66
Medical Services					
anchor location					
Administrative Services, Archives	35304	R17-9	NEW	01/30/2012	2011-20/6
annuity suitability					
Insurance, Administration	35699	R590-230	AMD	03/26/2012	2012-4/21

antipoverty programs Workforce Services, Housing and Community Development	36221	R990-100	NEW	07/09/2012	2012-11/151
Bevelopment	36525 36220 36526	R990-100 R990-101 R990-101	NSC NEW NSC	07/31/2012 07/09/2012 07/31/2012	Not Printed 2012-11/156 Not Printed
appeals Education, Administration Transportation, Motor Carrier	35452 35428	R277-481 R909-17	NEW REP	01/10/2012 01/10/2012	2011-23/34 2011-23/94
appellate procedures Agriculture and Food, Administration Auditor, Administration Workforce Services, Unemployment Insurance	35614 36506 35455	R51-2 R123-3 R994-508	5YR 5YR AMD	01/04/2012 07/18/2012 02/01/2012	2012-3/107 2012-16/183 2011-23/101
applications Health, Health Care Financing, Coverage and Reimbursement Policy	35441	R414-308	AMD	02/06/2012	2011-23/70
Reinbursement Folicy	35790	R414-308	AMD	04/01/2012	2012-4/14
applied behavior analysis (ABA) Health, Family Health and Preparedness, Children with Special Health Care Needs	36281	R398-15	NEW	07/31/2012	2012-12/38
appraisal management company Commerce, Real Estate	35915	R162-2e-402	AMD	05/23/2012	2012-7/25
appraisals Tax Commission, Property Tax	35592 35514 35864 36174 36064	R884-24P R884-24P-62 R884-24P-66 R884-24P-66 R884-24P-68	5YR AMD AMD AMD AMD	01/03/2012 02/09/2012 04/12/2012 07/26/2012 06/14/2012	2012-2/141 2012-1/51 2012-5/96 2012-11/121 2012-9/71
apprentices Public Safety, Highway Patrol	36439	R714-159	5YR	07/02/2012	2012-14/73
approval orders Environmental Quality, Air Quality	36334 36154	R307-401 R307-401-11	5YR NSC	06/06/2012 05/30/2012	2012-13/101 Not Printed
aquaculture Natural Resources, Wildlife Resources	35438	R657-59	AMD	01/10/2012	2011-23/80
ARC Administrative Services, Fleet Operations	36024	R27-7	AMD	06/28/2012	2012-9/4
archeological permits Public Lands Policy Coordinating Office, Administration	35874	R694-1	NEW	04/30/2012	2012-5/90
<u>architects</u> Commerce, Occupational and Professional Licensing	36282	R156-3a	AMD	07/30/2012	2012-12/12
armored car company Commerce, Occupational and Professional Licensing	36192	R156-63b-102	NSC	05/30/2012	Not Printed
armored car security officers Commerce, Occupational and Professional Licensing	36192	R156-63b-102	NSC	05/30/2012	Not Printed
art Capitol Preservation Board (State), Administration	35686	R131-9	R&R	03/09/2012	2012-3/13
art donations Community and Culture, Arts and Museums	35724	R207-2	5YR	01/24/2012	2012-4/65

art financing Community and Culture, Arts and Museums	35723	R207-1	5YR	01/24/2012	2012-4/64
art in public places Community and Culture, Arts and Museums	35723 35724	R207-1 R207-2	5YR 5YR	01/24/2012 01/24/2012	2012-4/64 2012-4/65
art loans Community and Culture, Arts and Museums	35724	R207-2	5YR	01/24/2012	2012-4/65
art preservation Community and Culture, Arts and Museums	35723	R207-1	5YR	01/24/2012	2012-4/64
art work Community and Culture, Arts and Museums	35724	R207-2	5YR	01/24/2012	2012-4/65
asbestos Environmental Quality, Air Quality	35777	R307-135	5YR	02/01/2012	2012-4/82
asphalt Environmental Quality, Air Quality	35786	R307-341	5YR	02/01/2012	2012-4/88
assembly Administrative Services, Facilities Construction and Management	36148	R23-20	5YR	05/03/2012	2012-11/178
<u>assessment instruments</u> Human Services, Substance Abuse and Mental Health	36310	R523-20	5YR	06/05/2012	2012-13/107
assignments Education, Administration	35680 36074	R277-520 R277-520-6	AMD AMD	03/12/2012 06/07/2012	2012-3/32 2012-9/43
assistance Natural Resources, Parks and Recreation	36225	R651-301	5YR	05/16/2012	2012-12/86
assisted living facilities Public Safety, Fire Marshal	36273	R710-3	5YR	05/23/2012	2012-12/88
athletic trainer Commerce, Occupational and Professional Licensing	36089	R156-40a	AMD	06/28/2012	2012-10/22
attorney exemption application process Insurance, Title and Escrow Commission	35898	R592-8	NSC	03/12/2012	Not Printed
Attorney General Attorney General, Administration	35904	R105-1	NEW	04/24/2012	2012-6/6
attorneys Administrative Services, Finance	35663	R25-14	5YR	01/12/2012	2012-3/105
auditing Auditor, Administration	36506 36510	R123-3 R123-5	5YR 5YR	07/18/2012 07/18/2012	2012-16/183 2012-16/184
autism spectrum disorders Health, Family Health and Preparedness, Children with Special Health Care Needs	36281	R398-15	NEW	07/31/2012	2012-12/38
autism treatment Health, Family Health and Preparedness, Children with Special Health Care Needs	36281	R398-15	NEW	07/31/2012	2012-12/38
automobile repair Commerce, Consumer Protection	35967	R152-20	5YR	03/22/2012	2012-8/72

<u>automobiles</u>					
Commerce, Consumer Protection	35967	R152-20	5YR	03/22/2012	2012-8/72
aviculture	20200	D057.4	EVD.	05/00/0040	2042 42/07
Natural Resources, Wildlife Resources	36280	R657-4	5YR	05/29/2012	2012-12/87
background checks					
Human Services, Substance Abuse and Mental	35591	R525-5	AMD	02/21/2012	2012-2/97
Health, State Hospital					
bait dealers	26440	D657.14	EVD	07/00/2012	2012 15/00
Natural Resources, Wildlife Resources	36448	R657-14	5YR	07/09/2012	2012-15/88
barrier					
Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57
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bear	05700	D057.00	AMD	04/00/0040	0040 4/00
Natural Resources, Wildlife Resources	35733	R657-33	AMD	04/02/2012	2012-4/32
<u>beneficiaries</u>					
School and Institutional Trust Lands, Administration	35656	R850-120	5YR	01/12/2012	2012-3/127
,,,					
<u>benefits</u>					
Community and Culture, Home Energy Assistance	35406	R195-5	AMD	03/26/2012	2011-23/17
Target (HEAT)	26206	R195-5	EXT	05/21/2012	2012 12/06
	36296 35408	R195-5 R195-7	AMD	05/31/2012 03/26/2012	2012-12/96 2011-23/19
	36298	R195-7 R195-7	EXT	05/31/2012	2011-23/19
Workforce Services, Administration	36207	R195-7 R982-405	NEW	07/09/2012	2012-12/90
Workforce Services, Administration					
	36516	R982-405	NSC	07/31/2012	Not Printed
	36210	R982-407	NEW	07/09/2012	2012-11/135
	36518	R982-407	NSC	07/31/2012	Not Printed
Workforce Services, Unemployment Insurance	36094	R994-401	5YR	04/25/2012	2012-10/97
<u>bicycles</u>					
Public Safety, Highway Patrol	36434	R714-220	5YR	07/02/2012	2012-14/75
Transportation, Operations, Traffic and Safety	36612		5YR		2012-14/73
Transportation, Operations, Trainc and Salety					
	30012	R920-4	JIK	08/01/2012	2012-10/200
<u>big game</u>	30012	R920-4	JIK	08/01/2012	2012-10/200
<u>big game</u> Natural Resources, Wildlife Resources	36392	R920-4 R657-44	5YR	06/19/2012	2012-10/200
Natural Resources, Wildlife Resources					
Natural Resources, Wildlife Resources big game seasons	36392	R657-44	5YR	06/19/2012	2012-14/72
Natural Resources, Wildlife Resources	36392 35520	R657-44 R657-5	5YR AMD	06/19/2012 02/07/2012	2012-14/72
Natural Resources, Wildlife Resources big game seasons	36392 35520 36158	R657-44 R657-5 R657-5	5YR AMD AMD	06/19/2012 02/07/2012 07/09/2012	2012-14/72 2012-1/29 2012-11/85
Natural Resources, Wildlife Resources big game seasons	36392 35520 36158 35210	R657-44 R657-5 R657-5 R657-43	5YR AMD AMD AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71
Natural Resources, Wildlife Resources big game seasons	36392 35520 36158	R657-44 R657-5 R657-5	5YR AMD AMD	06/19/2012 02/07/2012 07/09/2012	2012-14/72 2012-1/29 2012-11/85
Natural Resources, Wildlife Resources <u>big game seasons</u> Natural Resources, Wildlife Resources	36392 35520 36158 35210	R657-44 R657-5 R657-5 R657-43	5YR AMD AMD AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds	36392 35520 36158 35210 35909	R657-44 R657-5 R657-5 R657-43 R657-43	5YR AMD AMD AMD 5YR	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70
Natural Resources, Wildlife Resources <u>big game seasons</u> Natural Resources, Wildlife Resources	36392 35520 36158 35210	R657-44 R657-5 R657-5 R657-43	5YR AMD AMD AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources	36392 35520 36158 35210 35909	R657-44 R657-5 R657-5 R657-43 R657-43	5YR AMD AMD AMD 5YR	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting	36392 35520 36158 35210 35909 36280 35734	R657-44 R657-5 R657-43 R657-43 R657-4 R657-20	5YR AMD AMD SYR 5YR AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children	36392 35520 36158 35210 35909	R657-44 R657-5 R657-5 R657-43 R657-43	5YR AMD AMD AMD 5YR	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting	36392 35520 36158 35210 35909 36280 35734	R657-44 R657-5 R657-43 R657-43 R657-4 R657-20	5YR AMD AMD SYR 5YR AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs	36392 35520 36158 35210 35909 36280 35734	R657-44 R657-5 R657-43 R657-43 R657-4 R657-20	5YR AMD AMD SYR 5YR AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects	36392 35520 36158 35210 35909 36280 35734 36109	R657-44 R657-5 R657-43 R657-43 R657-4 R657-20 R398-5	5YR AMD AMD 5YR 5YR AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012 07/31/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25 2012-10/32
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children	36392 35520 36158 35210 35909 36280 35734	R657-44 R657-5 R657-43 R657-43 R657-4 R657-20	5YR AMD AMD SYR 5YR AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects	36392 35520 36158 35210 35909 36280 35734 36109	R657-44 R657-5 R657-43 R657-43 R657-4 R657-20 R398-5	5YR AMD AMD 5YR 5YR AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012 07/31/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25 2012-10/32
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children with Special Health Care Needs bison	36392 35520 36158 35210 35909 36280 35734 36109	R657-44 R657-5 R657-5 R657-43 R657-4 R657-20 R398-5	5YR AMD AMD 5YR 5YR AMD AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012 07/31/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25 2012-10/32
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children with Special Health Care Needs	36392 35520 36158 35210 35909 36280 35734 36109	R657-44 R657-5 R657-43 R657-43 R657-4 R657-20 R398-5	5YR AMD AMD 5YR 5YR AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012 07/31/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25 2012-10/32
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children with Special Health Care Needs bison Agriculture and Food, Animal Industry	36392 35520 36158 35210 35909 36280 35734 36109	R657-44 R657-5 R657-5 R657-43 R657-4 R657-20 R398-5	5YR AMD AMD 5YR 5YR AMD AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012 07/31/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25 2012-10/32
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Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children with Special Health Care Needs bison Agriculture and Food, Animal Industry Board of Examiners Examiners (Board of), Administration	36392 35520 36158 35210 35909 36280 35734 36109	R657-44 R657-5 R657-5 R657-43 R657-43 R657-20 R398-5 R398-5	5YR AMD AMD 5YR 5YR AMD AMD AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012 07/31/2012 07/31/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25 2012-10/32 2012-10/32
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children with Special Health Care Needs bison Agriculture and Food, Animal Industry Board of Examiners Examiners (Board of), Administration boating	36392 35520 36158 35210 35909 36280 35734 36109 36109 36143 35497	R657-44 R657-5 R657-5 R657-43 R657-4 R657-20 R398-5 R398-5 R58-3 R320-101	5YR AMD AMD 5YR 5YR AMD AMD AMD AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012 07/31/2012 07/31/2012 05/08/2012 02/10/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25 2012-10/32 2012-10/32 2012-11/167 2011-24/10
Natural Resources, Wildlife Resources big game seasons Natural Resources, Wildlife Resources birds Natural Resources, Wildlife Resources birth defect reporting Health, Family Health and Preparedness, Children with Special Health Care Needs birth defects Health, Family Health and Preparedness, Children with Special Health Care Needs bison Agriculture and Food, Animal Industry Board of Examiners Examiners (Board of), Administration	36392 35520 36158 35210 35909 36280 35734 36109	R657-44 R657-5 R657-5 R657-43 R657-43 R657-20 R398-5 R398-5	5YR AMD AMD 5YR 5YR AMD AMD AMD	06/19/2012 02/07/2012 07/09/2012 01/10/2012 03/05/2012 05/29/2012 04/02/2012 07/31/2012 07/31/2012	2012-14/72 2012-1/29 2012-11/85 2011-18/71 2012-7/70 2012-12/87 2012-4/25 2012-10/32 2012-10/32

	36242	R651-205-2	AMD	07/23/2012	2012-12/43
	36234 36238	R651-205-15	AMD AMD	07/23/2012	2012-12/44
	36243	R651-206-1 R651-206-3	AMD	07/23/2012 07/23/2012	2012-12/45 2012-12/46
	36239	R651-206-4	AMD	07/23/2012	2012-12/50
	36241 36240	R651-219-3 R651-226-2	AMD AMD	07/23/2012 07/23/2012	2012-12/51 2012-12/52
	36235	R651-227	AMD	07/23/2012	2012-12/53
boilers		D04000		0=10010010	
Labor Commission, Boiler and Elevator Safety	35963 35961	R616-2-3 R616-2-15	AMD AMD	05/22/2012 05/22/2012	2012-8/12 2012-8/14
bonds					
Treasurer, Unclaimed Property	36504	R966-1	5YR	07/18/2012	2012-16/201
boxing	00000	D050.4	5.45	00/00/0040	0040 0/74
Governor, Economic Development, Pete Suazo Utah Athletic Commission	36002	R359-1	5YR	03/30/2012	2012-8/74
	36130	R359-1-506	AMD	06/30/2012	2012-10/29
<u>brakes</u> Public Safety, Highway Patrol	36438	R714-300	5YR	07/02/2012	2012-14/76
<i>y</i> • • • • • • • • • • • • • • • • • • •	30400	17714-500	JIK	0770272012	2012-14/10
<u>breakdowns</u> Environmental Quality, Air Quality	35865	R307-107	CPR	07/31/2012	2012-13/89
<u>breaks</u>					
Human Resource Management, Administration	35828 36124	R477-8 R477-8	5YR AMD	02/02/2012 07/02/2012	2012-5/112 2012-10/71
	30124	11477-0	AIVID	01/02/2012	2012-10// 1
broad scope Environmental Quality, Radiation Control	35417	R313-22-75	AMD	01/16/2012	2011-23/51
brucellosis					
Agriculture and Food, Animal Industry	36143	R58-3	EMR	05/08/2012	2012-11/167
building inspections	25725	D156 56	EVD	04/24/2012	2012 4/62
Commerce, Occupational and Professional Licensing	35735	R156-56	5YR	01/31/2012	2012-4/62
building inspectors Commerce, Occupational and Professional Licensing	35735	R156-56	5YR	01/31/2012	2012-4/62
bulls					
Agriculture and Food, Animal Industry	36164	R58-21	AMD	07/10/2012	2012-11/4
burglar alarms		D.1=0.==.		00/07/00/0	
Commerce, Occupational and Professional Licensing	35860 36191	R156-55d R156-55d	5YR NSC	02/07/2012 05/30/2012	2012-5/102 Not Printed
<u>burial</u>					
Community and Culture, History	36301	R212-12 R212-12	5YR	05/31/2012	2012-12/84 Not Printed
	36305	R212-12	NSC	06/29/2012	Not Fillled
business practices Commerce, Securities	36462	R164-6	5YR	07/11/2012	2012-15/76
capacity					
Transportation, Administration	36178	R907-68	AMD	07/09/2012	2012-11/123
capital punishment	05000	D05.47	5.45	04/40/02/2	0040.0//07
Administrative Services, Finance Pardons (Board Of), Administration	35663 35739	R25-14 R671-205	5YR 5YR	01/12/2012 01/31/2012	2012-3/105 2012-4/111
captive insurance					
Insurance, Administration	36142	R590-238	5YR	05/02/2012	2012-11/181

career and technical education Education, Administration	36652	R277-911	5YR	08/14/2012	Not Printed
career education Education, Administration	35682	R277-718	REP	03/12/2012	2012-3/37
carryover funding Human Services, Aging and Adult Services	36479	R510-101	5YR	07/11/2012	2012-15/80
<u>cattle</u> Agriculture and Food, Animal Industry	36143 36164	R58-3 R58-21	EMR AMD	05/08/2012 07/10/2012	2012-11/167 2012-11/4
<u>cemetery</u> Community and Culture, History	36301 36305	R212-12 R212-12	5YR NSC	05/31/2012 06/29/2012	2012-12/84 Not Printed
<u>census</u> Transportation, Program Development	35959 35960	R926-4 R926-4	5YR NSC	03/20/2012 04/11/2012	2012-8/90 Not Printed
certificate of compliance Commerce, Occupational and Professional Licensing	35820	R156-78B	5YR	02/02/2012	2012-5/102
certificate of eligibility Public Safety, Criminal Investigations and Technical Services, Criminal Identification	35487	R722-350-3	AMD	01/24/2012	2011-24/77
certification Public Safety, Peace Officer Standards and Training	36290	R728-409	AMD	08/06/2012	2012-12/68
certification of instructors Human Services, Substance Abuse and Mental Health	36383	R523-22	5YR	06/18/2012	2012-14/67
certifications Environmental Quality, Water Quality Labor Commission, Boiler and Elevator Safety	36135 35963 35961 35962	R317-11 R616-2-3 R616-2-15 R616-3-3	AMD AMD AMD AMD	06/27/2012 05/22/2012 05/22/2012 05/22/2012	2012-10/23 2012-8/12 2012-8/14 2012-8/16
Transportation, Motor Carrier	35256 35256	R909-19 R909-19	AMD CPR	02/07/2012 02/07/2012	2011-20/41 2012-1/64
charities Commerce, Consumer Protection Tax Commission, Auditing	35970 35606 35511 36175	R152-22 R865-19S R865-19S-32 R865-19S-123	5YR 5YR AMD AMD	03/22/2012 01/03/2012 02/09/2012 07/26/2012	2012-8/72 2012-2/133 2012-1/48 2012-11/118
charter schools Education, Administration	35451 36367 35935 36160 35582 35817 35452	R277-470 R277-470 R277-479 R277-479-1 R277-480-1 R277-480-1 R277-481	AMD AMD NEW NSC NSC NSC NEW	01/10/2012 08/08/2012 05/08/2012 05/30/2012 01/31/2012 02/29/2012 01/10/2012	2011-23/28 2012-13/52 2012-7/31 Not Printed Not Printed Not Printed 2011-23/34
<u>child abuse</u> Education, Administration Human Services, Child and Family Services	36639 35931	R277-401 R512-60	5YR AMD	08/14/2012 06/07/2012	Not Printed 2012-7/47
child care Health, Family Health and Preparedness, Child Care	36622	R430-100	5YR	08/03/2012	Not Printed
Licensing Workforce Services, Employment Development	36303 35586	R986-700-712 R986-700-713	AMD AMD	07/25/2012 04/01/2012	2012-12/74 2012-2/104

shild care contars					
child care centers Health, Family Health and Preparedness, Child Care Licensing	36622	R430-100	5YR	08/03/2012	Not Printed
child care facilities					
Health, Family Health and Preparedness, Child Care Licensing	35581	R430-1	NEW	05/01/2012	2012-2/37
· ·	35579	R430-2	REP	05/01/2012	2012-2/40
	35580	R430-3	REP	05/01/2012	2012-2/42
	35653	R430-4	REP	05/01/2012	2012-3/57
	35573	R430-6	AMD	05/01/2012	2012-2/46
	36623	R430-6	5YR	08/03/2012	Not Printed
	35654	R430-30	REP	05/01/2012	2012-3/61
	35574	R430-50	AMD	05/01/2012	2012-2/47
	35575 35576	R430-60 R430-70	R&R AMD	05/01/2012 05/01/2012	2012-2/55 2012-2/70
	35577	R430-70 R430-90	AMD	05/01/2012	2012-2/70
	35578	R430-100	AMD	05/01/2012	2012-2/82
	36622	R430-100	5YR	08/03/2012	Not Printed
child support Human Services, Administration	36284	R495-884	NEW	08/15/2012	2012-12/39
Human Services, Recovery Services	36346	R527-3	5YR	06/12/2012	2012-12/39
Human Services, Necovery Services	35728	R527-34	AMD	03/27/2012	2012-13/100
	35729	R527-35	AMD	03/27/2012	2012-4/10
	36347	R527-37	5YR	06/12/2012	2012-13/108
	35619	R527-201	AMD	03/27/2012	2012-3/70
	36348	R527-253	5YR	06/12/2012	2012-13/109
	36349	R527-255	5YR	06/12/2012	2012-13/109
	36350	R527-258	5YR	06/12/2012	2012-13/110
	36351	R527-330	5YR	06/12/2012	2012-13/111
child welfare					
Administrative Services, Child Welfare Parental Defense (Office of)	35205	R19-1-6	AMD	01/12/2012	2011-18/6
	35206	R19-1-7	AMD	01/12/2012	2011-18/7
Human Services, Child and Family Services	35895	R512-1	5YR	02/23/2012	2012-6/38
	35910	R512-2	5YR	03/05/2012	2012-7/68
	35911 35912	R512-31 R512-32	5YR 5YR	03/05/2012 03/05/2012	2012-7/68 2012-7/69
	35931	R512-32 R512-60	AMD	06/07/2012	2012-7/09
	35630	R512-80	NEW	03/15/2012	2012-7/47
	00000	11012 00	NEVV	00/10/2012	2012 0/04
children Health, Family Health and Preparedness, WIC Services	35812	R406-100	5YR	02/02/2012	2012-5/104
Services	35813	R406-200	5YR	02/02/2012	2012-5/105
	35814	R406-201	5YR	02/02/2012	2012-5/105
	35815	R406-202	5YR	02/02/2012	2012-5/106
	35816	R406-301	5YR	02/02/2012	2012-5/106
Children's Associat					
Children's Account Human Services, Child and Family Services	35931	R512-60	AMD	06/07/2012	2012-7/47
children's health benefits					
Health, Children's Health Insurance Program	35788	R382-10	AMD	04/01/2012	2012-4/7
<u>civil rights</u> Education, Administration	36584	R277-112	5YR	08/01/2012	2012-16/189
Class I area					
Environmental Quality, Air Quality	35413	R307-405	AMD	02/02/2012	2011-23/42
•	35872	R307-405-3	NSC	02/29/2012	Not Printed
classified license					
Public Safety, Driver License	35629	R708-10	EMR	01/07/2012	2012-3/101
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	36330 36331	R708-10 R708-10	EMR AMD	06/06/2012 08/09/2012	2012-13/95 2012-13/75
	30331	100-10	AMD	00/03/2012	2012-10/13
cleanup standards Environmental Quality, Water Quality	36544	R317-6	5YR	07/26/2012	2012-16/192
client rights	05400	D405.4	4445	00/00/0040	0044 00/40
Community and Culture, Home Energy Assistance Target (HEAT)	35403	R195-1	AMD	03/26/2012	2011-23/12
Workforce Services, Administration	36193 36512	R982-401 R982-401	NEW NSC	07/09/2012 07/31/2012	2012-11/125 Not Printed
CNG					
Administrative Services, Fleet Operations	35727	R27-9	NEW	03/26/2012	2012-4/6
coal mines	25004	D045 400	EVD	00/04/0040	2042 4/400
Natural Resources, Oil, Gas and Mining; Coal	35801 35995	R645-100 R645-100-200	5YR AMD	02/01/2012 05/23/2012	2012-4/106 2012-8/18
	35802	R645-103	5YR	02/01/2012	2012-4/106
	35803	R645-200	5YR	02/01/2012	2012-4/107
	35804	R645-201	5YR	02/01/2012	2012-4/107
	35836	R645-202	5YR	02/03/2012	2012-5/117
	35837	R645-203	5YR	02/03/2012	2012-5/117
	35838	R645-300	5YR	02/03/2012	2012-5/118
	35996	R645-300-100	AMD	05/23/2012	2012-8/31
	35839	R645-301	5YR	02/03/2012	2012-5/118
	35997	R645-301-100	AMD	05/23/2012	2012-8/39
	36151	R645-301-500	NSC	05/30/2012	Not Printed
	35840	R645-302	5YR	02/03/2012	2012-5/119
	35998	R645-302-200	AMD	05/23/2012	2012-8/43
	35841	R645-303	5YR	02/03/2012	2012-5/120
	35999	R645-303-300	AMD	05/23/2012	2012-8/52
	36000	R645-400-300	AMD	05/23/2012	2012-8/54
	35842	R645-402	5YR	02/03/2012	2012-5/120
	36001	R645-403	NEW	05/23/2012	2012-8/58
coatings Environmental Quality, Air Quality	35787	R307-343	5YR	02/01/2012	2012-4/89
code of conduct	00057	D000 004	5) (5)	00/40/0040	0040 404440
Workforce Services, Administration	36357	R982-601	5YR	06/12/2012	2012-13/116
collection transfer					
Administrative Services, Debt Collection	36420	R21-1	5YR	06/28/2012	2012-14/59
collections Tax Commission, Auditing	35602	R865-12L	5YR	01/03/2012	2012-2/130
rax Commission, Additing	36171	R865-12L-14	AMD	07/26/2012	2012-2/130
	00171	1000 122 14	7 (IVID	0172072012	2012 11/11/
comments Environmental Quality, Radiation Control	35416	R313-17	AMD	03/19/2012	2011-23/50
commercial solicitations					
Capitol Preservation Board (State), Administration	35687	R131-10	5YR	01/17/2012	2012-3/111
commercialization of aquatic wildlife					
Natural Resources, Wildlife Resources	36448	R657-14	5YR	07/09/2012	2012-15/88
commercialization revenues					
Science Technology and Research Governing Auth., Administration	36084	R856-2	EXD	04/05/2012	2012-9/101
	36155	R856-2	NEW	07/31/2012	2012-11/110
	36491	R856-2	NSC	07/31/2012	Not Printed
communicable diseases					
Health, Disease Control and Prevention, Epidemiology	36247	R386-702	AMD	08/08/2012	2012-12/29

community action programs Workforce Services, Housing and Community Development	36221	R990-100	NEW	07/09/2012	2012-11/151
20.000	36525	R990-100	NSC	07/31/2012	Not Printed
	36220	R990-101	NEW	07/09/2012	2012-11/156
	36526	R990-101	NSC	07/31/2012	Not Printed
community development Workforce Services, Housing and Community Development	36219	R990-11	NEW	07/09/2012	2012-11/148
	36524	R990-11	NSC	07/31/2012	Not Printed
community-based corrections					
Corrections, Administration	35755	R251-306	EXT	01/31/2012	2012-4/121
·	36040	R251-306	5YR	04/06/2012	2012-9/77
complaints					
Commerce, Administration	35897	R151-3	5YR	02/28/2012	2012-6/35
Education, Administration	36067	R277-104	R&R	06/07/2012	2012-9/31
Education, Rehabilitation	36068	R280-201	REP	06/07/2012	2012-9/56
Human Services, Substance Abuse and Mental	35594	R525-7	AMD	02/21/2012	2012-2/99
Health, State Hospital		11020 1	7 11112	02/2 1/2012	2012 2700
	35855	R525-7	NSC	02/29/2012	Not Printed
Workforce Services, Administration	36354	R982-101	5YR	06/12/2012	2012-13/115
compressed natural gas					
Administrative Services, Fleet Operations	35727	R27-9	NEW	03/26/2012	2012-4/6
computer software Technology Services, Administration	35989	R895-3	EXT	03/29/2012	2012-8/91
rechnology Services, Administration	33969	K095-5		03/29/2012	2012-0/91
concealed firearm permit instructor					
Public Safety, Criminal Investigations and Technical	35650	R722-300	AMD	03/09/2012	2012-3/79
Services, Criminal Identification					
concerns					
Human Services, Substance Abuse and Mental	35594	R525-7	AMD	02/21/2012	2012-2/99
Health, State Hospital					
	35855	R525-7	NSC	02/29/2012	Not Printed
condemnation					
Transportation, Preconstruction, Right-of-Way	35429	R933-1	AMD	01/10/2012	2011-23/97
Acquisition	00.20	1,000 1	,	0171072012	2011 20/01
- 41					
conduct Commerce, Real Estate	35915	R162-2e-402	AMD	05/23/2012	2012 7/25
Confinence, Real Estate	30910	K 102-26-402	AIVID	03/23/2012	2012-7/25
confidential information					
Public Service Commission, Administration	35508	R746-100	AMD	02/07/2012	2012-1/30
	35900	R746-100	AMD	05/07/2012	2012-6/24
	36195	R746-100	AMD	07/09/2012	2012-11/94
confidentiality of information					
Administrative Services, Administration	36285	R13-2-4	AMD	08/07/2012	2012-12/8
Community and Culture, Home Energy Assistance	35403	R195-1	AMD	03/26/2012	2011-23/12
Target (HEAT)					
Human Resource Management, Administration	35822	R477-2	5YR	02/02/2012	2012-5/108
	36119	R477-2	AMD	07/02/2012	2012-10/51
Regents (Board Of), College of Eastern Utah	36391	R767-1	EXT	06/18/2012	2012-14/83
Workforce Services, Administration	36193	R982-401	NEW	07/09/2012	2012-11/125
	36512	R982-401	NSC	07/31/2012	Not Printed
conflict of interest					
Human Resource Management, Administration	35829	R477-9	5YR	02/02/2012	2012-5/112
	36125	R477-9	AMD	07/02/2012	2012-10/76

construction					
Administrative Services, Facilities Construction and	36020	R23-1-40	AMD	08/07/2012	2012-8/4
Management					
consumer protection					
Commerce, Consumer Protection	35974	R152-6	5YR	03/26/2012	2012-8/71
	35965	R152-15	5YR	03/22/2012	2012-8/71
	35967	R152-20	5YR	03/22/2012	2012-8/72
	35970	R152-22	5YR	03/22/2012	2012-8/72
	35971	R152-23	5YR	03/22/2012	2012-8/73
	36360	R152-34	5YR	06/14/2012	2012-13/98
	35972	R152-42	5YR	03/22/2012	2012-8/73
contractors					
Capitol Preservation Board (State), Administration	35611	R131-13	EMR	01/03/2012	2012-2/105
(),	35610	R131-13	AMD	02/21/2012	2012-2/24
Commerce, Occupational and Professional Licensing	36157	R156-55a-602	AMD	07/09/2012	2012-11/8
contracts Administrative Services Facilities Construction and	26145	D02 4	EVD	05/02/2012	2012 11/177
Administrative Services, Facilities Construction and Management	36145	R23-1	5YR	05/03/2012	2012-11/177
Management	36020	R23-1-40	AMD	08/07/2012	2012-8/4
	36020	R23-1-40	CPR	08/07/2012	2012-13/88
Capitol Preservation Board (State), Administration	35611	R131-13	EMR	01/03/2012	2012-2/105
, ,	35610	R131-13	AMD	02/21/2012	2012-2/24
controlled substance database	25000	D450 07	CVD	02/21/2012	2042 6/26
Commerce, Occupational and Professional Licensing	35892	R156-37	5YR	02/21/2012	2012-6/36
controlled substances					
Commerce, Occupational and Professional Licensing	35892	R156-37	5YR	02/21/2012	2012-6/36
Tax Commission, Collections	36168	R867-2B-2	AMD	07/26/2012	2012-11/119
	36169	R867-2B-4	AMD	07/26/2012	2012-11/120
a an wight					
copyright Education, Administration	36585	R277-115	5YR	08/01/2012	2012-16/189
Technology Services, Administration	35989	R895-3	EXT	03/29/2012	2012-10/109
realinglegy dervices, reministration	00000	11000 0	LXI	00/20/2012	2012 0/01
corporation tax					
Tax Commission, Auditing	35597	R865-3C	5YR	01/03/2012	2012-2/125
	35863	R865-3C-1	AMD	04/12/2012	2012-5/95
correctional institutions					
Corrections, Administration	35764	R251-704	EXD	01/18/2012	2012-4/124
Corrodiono, 7 tarrimon actori	35771	R251-704	EMR	02/01/2012	2012-4/52
	35809	R251-704	NEW	04/09/2012	2012-5/18
<u>corrections</u>	05700	D054 400	EVD	04/40/0040	0040 4/400
Corrections, Administration	35760	R251-106	EXD	01/18/2012	2012-4/123
	35767 35805	R251-106 R251-106	EMR NEW	02/01/2012 04/09/2012	2012-4/45 2012-5/11
	35761	R251-100 R251-107	EXD	01/18/2012	2012-4/123
	35768	R251-107	EMR	02/01/2012	2012-4/47
	35806	R251-107	NEW	04/09/2012	2012-5/13
	35762	R251-108	EXD	01/18/2012	2012-4/123
	35769	R251-108	EMR	02/01/2012	2012-4/49
	35807	R251-108	NEW	04/09/2012	2012-5/15
	35754	R251-305	EXT	01/31/2012	2012-4/121
	36039	R251-305	5YR	04/06/2012	2012-9/77
	35755	R251-306	EXT	01/31/2012	2012-4/121
	36040 35763	R251-306	5YR	04/06/2012	2012-9/77
	35763 35770	R251-703 R251-703	EXD EMR	01/18/2012 02/01/2012	2012-4/124 2012-4/51
	35808	R251-703 R251-703	NEW	04/09/2012	2012-4/31
	35765	R251-705	EXD	01/18/2012	2012-4/124
	35772	R251-705	EMR	02/01/2012	2012-4/53
	35810	R251-705	NEW	04/09/2012	2012-5/19

	35766	R251-706	EXD	01/18/2012	2012-4/124
	35773 35811	R251-706 R251-706	EMR NEW	02/01/2012 04/09/2012	2012-4/56 2012-5/22
	35756 36041	R251-707 R251-707	EXT 5YR	01/31/2012 04/06/2012	2012-4/121 2012-9/78
	35757	R251-710	EXT	01/31/2012	2012-4/121
	36042	R251-710	5YR	04/06/2012	2012-9/78
cosmetologists/barbers Commerce, Occupational and Professional Licensing	35853	R156-11a	5YR	02/06/2012	2012-5/101
cost sharing Health, Health Care Financing, Coverage and Reimbursement Policy	36185	R414-200	5YR	05/14/2012	2012-11/180
costs					
Financial Institutions, Administration	36021 36533	R331-22 R331-22	EXT 5YR	04/02/2012 07/20/2012	2012-8/91 2012-16/196
				0.720.20.2	20.2 .000
cottage foods Agriculture and Food, Regulatory Services	35662	R70-560	5YR	01/12/2012	2012-3/111
councils Workforce Services, Administration	36356	R982-301	5YR	06/12/2012	2012-13/116
course Natural Resources, Parks and Recreation	36235	R651-227	AMD	07/23/2012	2012-12/53
coverage groups					
Health, Health Care Financing, Coverage and Reimbursement Policy	35789	R414-303	AMD	04/01/2012	2012-4/12
covered-at-work					
Health, Health Care Financing, Coverage and Reimbursement Policy	36309	R414-310	5YR	06/04/2012	2012-13/107
CPB					
Capitol Preservation Board (State), Administration	35686	R131-9	R&R	03/09/2012	2012-3/13
criminal background screening					
Human Services, Child and Family Services	36044	R512-51	5YR	04/09/2012	2012-9/93
criminal competency					
Pardons (Board Of), Administration	35758	R671-206	5YR	02/01/2012 01/31/2012	2012-4/111
	35740	R671-207	5YR	01/31/2012	2012-4/112
critical languages Education, Administration	36369	R277-488	5YR	06/15/2012	2012-13/100
Education, Administration	36370	R277-488	AMD	08/08/2012	2012-13/100
cultural resources					
Natural Resources, Forestry, Fire and State Lands	36013	R652-60	5YR	04/02/2012	2012-8/87
School and Institutional Trust Lands, Administration	36414	R850-60	5YR	06/27/2012	2012-14/80
curricula					
Education, Administration	36075 35537	R277-700 R277-703	AMD AMD	06/07/2012 02/07/2012	2012-9/45 2012-1/14
	36648	R277-703	5YR	08/14/2012	Not Printed
	35818 36649	R277-705 R277-713	5YR 5YR	02/02/2012 08/14/2012	2012-5/103 Not Printed
detection and address		· · · · ·			
dairy inspections Agriculture and Food, Regulatory Services	36465	R70-330	EMR	07/11/2012	2012-15/65
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data standards Education, Administration	35676	R277-484-3	AMD	03/12/2012	2012-3/23
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<u>day care</u>					
Public Safety, Fire Marshal	35929	R710-8	5YR	03/13/2012	2012-7/71
deadlines					
Education, Administration	35676	R277-484-3	AMD	03/12/2012	2012-3/23
,					
debt					
Human Services, Recovery Services	36351	R527-330	5YR	06/12/2012	2012-13/111
debt-management					
Commerce, Consumer Protection	35972	R152-42	5YR	03/22/2012	2012-8/73
Sommoros, Somodinoi i rotostion	00072	11102 12	0111	00/22/2012	2012 0/10
deception detection examiners					
Commerce, Occupational and Professional Licensing	35736	R156-64	5YR	01/31/2012	2012-4/64
deception detection interns					
Commerce, Occupational and Professional Licensing	35736	R156-64	5YR	01/31/2012	2012-4/64
Commerce, Coodpational and Professional Electioning	00700	11100 04	OTIC	01/01/2012	2012 4/04
declaratory orders					
Auditor, Administration	36509	R123-4	5YR	07/18/2012	2012-16/183
Health, Administration	36096	R380-1	5YR	04/26/2012	2012-10/88
	36097	R380-5	5YR	04/26/2012	2012-10/89
decommissioning					
Environmental Quality, Radiation Control	35417	R313-22-75	AMD	01/16/2012	2011-23/51
definitions	25045	D207 404 2	AMD	04/05/2012	2042 2/40
Environmental Quality, Air Quality	35615 35857	R307-101-3 R307-840	AMD AMD	05/03/2012	2012-3/40 2012-5/33
	36161	R307-840-1	NSC	05/30/2012	Not Printed
Human Resource Management, Administration	35821	R477-1	5YR	02/02/2012	2012-5/107
riaman resource management, raministration	36118	R477-1	AMD	07/02/2012	2012-10/47
Natural Resources, Forestry, Fire and State Lands	36005	R652-1	5YR	04/02/2012	2012-8/82
School and Institutional Trust Lands, Administration	36274	R850-1	5YR	05/23/2012	2012-12/90
degreasing	05704	D007.005	E) (D)	00/04/0040	0040 4/07
Environmental Quality, Air Quality	35784	R307-335	5YR	02/01/2012	2012-4/87
demonstration					
Health, Health Care Financing, Coverage and	36309	R414-310	5YR	06/04/2012	2012-13/107
Reimbursement Policy					
dental hygienists	26101	D456 60 2024	AMD	07/09/2012	2012-11/14
Commerce, Occupational and Professional Licensing	30101	R156-69-302d	AIVID	07/09/2012	2012-11/14
dentists					
Commerce, Occupational and Professional Licensing	36181	R156-69-302d	AMD	07/09/2012	2012-11/14
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<u>depredation</u>	00000	D057.44	E) (D)	00/40/0040	0040 44/70
Natural Resources, Wildlife Resources	36392	R657-44	5YR	06/19/2012	2012-14/72
design					
Health, Disease Control and Prevention,	35710	R392-200	5YR	01/20/2012	2012-4/91
Environmental Services					
designation	26462	D164.6	EVD	07/11/2012	2012 15/76
Commerce, Securities	36462	R164-6	5YR	07/11/2012	2012-15/76
developmental disabilities					
Tax Commission, Administration	35595	R861-1A	5YR	01/03/2012	2012-2/122
	35862	R861-1A-9	AMD	04/12/2012	2012-5/93
	36061	R861-1A-16	AMD	06/14/2012	2012-9/65
	36172	R861-1A-20	AMD	07/26/2012	2012-11/111
disabilities					
disabilities Commerce, Administration	35897	R151-3	5YR	02/28/2012	2012-6/35
Pardons (Board Of), Administration	35731	R671-102	5YR	01/26/2012	2012-6/33
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Workforce Services, Administration	36354	R982-101	5YR	06/12/2012	2012-13/115
disabled persons					
Education, Administration	36067	R277-104	R&R	06/07/2012	2012-9/31
Education, Rehabilitation	36068	R280-201	REP	06/07/2012	2012-9/56
Health, Administration	36099	R380-100	5YR	04/26/2012	2012-9/30
Human Services, Administration	35717	R495-878	5YR	01/23/2012	2012-10/90
Human Services, Auministration	33717	K490-070	JIK	01/23/2012	2012-4/99
disasters					
Education, Administration	36587	R277-400	5YR	08/01/2012	2012-16/190
discharge permits					
Environmental Quality, Water Quality	35238	R317-8	AMD	01/25/2012	2011-19/31
, ·					
disciplinary actions					
Education, Administration	36646	R277-514	5YR	08/14/2012	Not Printed
disciplinary problems					
Education, Administration	35454	R277-608	AMD	01/10/2012	2011-23/41
	36647	R277-608	5YR	08/14/2012	Not Printed
discipline of employees					
Human Resource Management, Administration	35831	R477-11	5YR	02/03/2012	2012-5/114
	36126	R477-11	AMD	07/02/2012	2012-10/79
disclosure requirements					
Tax Commission, Administration	35595	R861-1A	5YR	01/03/2012	2012-2/122
	35862	R861-1A-9	AMD	04/12/2012	2012-5/93
	36061	R861-1A-16	AMD	06/14/2012	2012-9/65
	36172	R861-1A-20	AMD	07/26/2012	2012-11/111
disease control					
Agriculture and Food, Animal Industry	35691	R58-1	5YR	01/18/2012	2012-4/59
, ,	35692	R58-6	5YR	01/18/2012	2012-4/59
	36164	R58-21	AMD	07/10/2012	2012-11/4
dishonest or unethical practices					
Commerce, Securities	36462	R164-6	5YR	07/11/2012	2012-15/76
dismissal of employees					
Human Resource Management, Administration	35831	R477-11	5YR	02/03/2012	2012-5/114
•	36126	R477-11	AMD	07/02/2012	2012-10/79
dissemination of information					
Education, Administration	35681	R277-714	AMD	03/12/2012	2012-3/36
<u>distribution</u>					
Natural Resources, Water Rights	36382	R655-15	5YR	06/15/2012	2012-13/113
distribution of revenues					
Science Technology and Research Governing	36084	R856-2	EXD	04/05/2012	2012-9/101
Authority, Administration					
	36155	R856-2	NEW	07/31/2012	2012-11/110
	36491	R856-2	NSC	07/31/2012	Not Printed
distribution system					
Natural Resources, Water Rights	36382	R655-15	5YR	06/15/2012	2012-13/113
diversion programs					
Commerce, Occupational and Professional Licensing	35624	R156-1	5YR	01/05/2012	2012-3/112
•	36077	R156-1	AMD	06/07/2012	2012-9/8
Human Services, Juvenile Justice Services	36136	R547-1	5YR	05/01/2012	2012-10/92
do not resuscitate					
Health, Family Health and Preparedness, Licensing	35976	R432-31	5YR	03/28/2012	2012-8/76

domestic violence Human Services, Aging and Adult Services Human Services, Child and Family Services	36475 35895	R510-302 R512-1	5YR 5YR	07/11/2012 02/23/2012	2012-15/85 2012-6/38
driver education Education, Administration Public Safety, Driver License	35940 35702 35703 35705	R277-507 R708-2 R708-21 R708-27	5YR 5YR 5YR 5YR	03/15/2012 01/20/2012 01/20/2012 01/20/2012	2012-7/64 2012-4/118 2012-4/119 2012-4/120
drug stamps Tax Commission, Collections	36168 36169	R867-2B-2 R867-2B-4	AMD AMD	07/26/2012 07/26/2012	2012-11/119 2012-11/120
<u>drugs</u> Public Safety, Highway Patrol	36436	R714-550	5YR	07/02/2012	2012-14/77
dual employment Human Resource Management, Administration	35828 36124	R477-8 R477-8	5YR AMD	02/02/2012 07/02/2012	2012-5/112 2012-10/71
dual language immersion Education, Administration	36369 36370	R277-488 R277-488	5YR AMD	06/15/2012 08/08/2012	2012-13/100 2012-13/58
due process Human Services, Child and Family Services	35911	R512-31	5YR	03/05/2012	2012-7/68
<u>DUI programs</u> Human Services, Substance Abuse and Mental Health	36383	R523-22	5YR	06/18/2012	2012-14/67
dumping of wastes Environmental Quality, Water Quality	36389	R317-550	5YR	06/18/2012	2012-14/65
early intervention Education, Administration	36373	R277-489	AMD	08/08/2012	2012-13/61
economic development Workforce Services, Administration	36357	R982-601	5YR	06/12/2012	2012-13/116
economic opportunity Governor, Economic Development	36066	R357-1	5YR	04/13/2012	2012-9/92
education Commerce, Consumer Protection Education, Administration	36360 36640 36199 35451 36367 35876 35682 35538	R152-34 R277-407 R277-407-3 R277-470 R277-470 R277-521 R277-718 R277-730	5YR 5YR AMD AMD AMD REP REP REP	06/14/2012 08/14/2012 07/09/2012 01/10/2012 08/08/2012 04/10/2012 03/12/2012 02/07/2012	2012-13/98 Not Printed 2012-11/16 2011-23/28 2012-13/52 2012-5/26 2012-3/37 2012-1/16
education finance Education, Administration	35905 36069 36070 35535 35536 35933	R277-419-5 R277-419-7 R277-420 R277-425 R277-426 R277-454	AMD AMD AMD AMD AMD AMD	05/08/2012 06/07/2012 06/07/2012 02/07/2012 02/07/2012 05/08/2012	2012-7/28 2012-9/34 2012-9/35 2012-1/11 2012-1/13 2012-7/30
education policy Education, Administration	36639	R277-401	5YR	08/14/2012	Not Printed
educational administration Education, Administration	36586	R277-116	5YR	08/01/2012	2012-16/190

	36206	R277-800	AMD	07/09/2012	2012-11/34
educational facilities	36642	R277-445	5YR	08/14/2012	Not Printed
Education, Administration	35933	R277-454	AMD	05/08/2012	2012-7/30
educational media	36365	R277-467	5YR	06/15/2012	2012-13/99
Education, Administration	36366	R277-467	AMD	08/08/2012	2012-13/51
educational policy Education, Administration	36584	R277-112	5YR	08/01/2012	2012-16/189
educational program evaluations	36204	R277-501	REP	07/09/2012	2012-11/28
Education, Administration	36645	R277-506	5YR	08/14/2012	Not Printed
educational tuition Human Resource Management, Administration	35830	R477-10	5YR	02/03/2012	2012-5/113
educator license renewal	36203	R277-500	AMD	07/09/2012	2012-11/23
Education, Administration	36204	R277-501	REP	07/09/2012	2012-11/28
educator licensing	36643	R277-502	5YR	08/14/2012	Not Printed
Education, Administration	36645	R277-506	5YR	08/14/2012	Not Printed
educator licensure	35940	R277-507	5YR	03/15/2012	2012-7/64
Education, Administration	36646	R277-514	5YR	08/14/2012	Not Printed
educators Education, Administration	36583 35680 36074	R277-110 R277-520 R277-520-6	5YR AMD AMD	08/01/2012 03/12/2012 06/07/2012	2012-16/188 2012-3/32 2012-9/43
efficiency Natural Resources, Geological Survey	36597	R638-3	NSC	08/13/2012	Not Printed
eldercare Human Services, Aging and Adult Services	36472	R510-110	5YR	07/11/2012	2012-15/83
elderly Human Services, Aging and Adult Services	36478 36479 36466 36467 36468 36469 36470 36471 36474 36476	R510-100 R510-101 R510-102 R510-103 R510-106 R510-107 R510-108 R510-109 R510-200 R510-400	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012 07/11/2012	2012-15/79 2012-15/80 2012-15/80 2012-15/81 2012-15/81 2012-15/82 2012-15/82 2012-15/83 2012-15/84 2012-15/85
electric generating units	35531	R307-220-3	AMD	03/07/2012	2012-1/21
Environmental Quality, Air Quality	36033	R307-424	5YR	04/05/2012	2012-9/79
electric utility industries Public Service Commission, Administration	35505	R746-310-1	AMD	02/07/2012	2012-1/38
	35925	R746-310-2	NSC	03/22/2012	Not Printed
electrologists Commerce, Occupational and Professional Licensing	35853	R156-11a	5YR	02/06/2012	2012-5/101

electronic meetings Administrative Services, Child Welfare Parental	35206	R19-1-7	AMD	01/12/2012	2011-18/7
Defense (Office of) Administrative Services, Finance	35975	R25-20	NEW	05/22/2012	2012-8/5
Examiners (Board of), Administration	35497	R320-101	NEW	02/10/2012	2011-24/10
electronic participation Administrative Services, Archives	35304	R17-9	NEW	01/30/2012	2011-20/6
<u>elevators</u>					
Labor Commission, Boiler and Elevator Safety	35962	R616-3-3	AMD	05/22/2012	2012-8/16
eligibility Health, Health Care Financing, Coverage and Reimbursement Policy	36085	R414-307	5YR	04/17/2012	2012-10/91
Trainburgement Folloy	35441	R414-308	AMD	02/06/2012	2011-23/70
Homes Organics Obild and Family Organics	35790	R414-308	AMD	04/01/2012	2012-4/14
Human Services, Child and Family Services	35895 35910	R512-1 R512-2	5YR 5YR	02/23/2012 03/05/2012	2012-6/38 2012-7/68
	000.0			30.00.20.2	20.200
eligibility and priority Human Services, Public Guardian (Office of)	35759	R549-1	5YR	02/01/2012	2012-4/100
emergency contact database					
Public Safety, Driver License	36283	R708-47	EMR	07/01/2012	2012-12/79
	36332	R708-47	NEW	08/09/2012	2012-13/77
emergency medical services		D. 400 -	5.45	0.1/0.0/0.10	001010100
Health, Family Health and Preparedness, Emergency Medical Services	36100	R426-5	5YR	04/26/2012	2012-10/92
	36182	R426-16	AMD	07/19/2012	2012-11/66
emergency powers					
Environmental Quality, Air Quality	36333	R307-105	5YR	06/06/2012	2012-13/101
emergency preparedness					
Education, Administration	36587	R277-400	5YR	08/01/2012	2012-16/190
emergency vehicle operations range					
Public Safety, Peace Officer Standards and Training	35568	R728-408	REP	05/14/2012	2012-2/102
emission controls					
Environmental Quality, Air Quality	35780	R307-325	5YR	02/01/2012	2012-4/84
	35785 35786	R307-340 R307-341	5YR 5YR	02/01/2012 02/01/2012	2012-4/87 2012-4/88
	33700	1307-341	3110	02/01/2012	2012-4/00
emission fees	00000	D007 445	EVD	00/00/0040	0040 40/404
Environmental Quality, Air Quality	36339 35529	R307-415 R307-415-2	5YR AMD	06/06/2012 03/07/2012	2012-13/104 2012-1/25
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employee benefit plans Human Resource Management, Administration	35826	R477-6	5YR	02/02/2012	2012-5/110
Human Resource Management, Administration	36211	R477-6	AMD	07/10/2012	2012-3/110
	35880	R477-6-5	AMD	07/10/2012	2012-6/23
employee performance evaluations					
Human Resource Management, Administration	35830	R477-10	5YR	02/03/2012	2012-5/113
employee productivity					
Human Resource Management, Administration	35830	R477-10	5YR	02/03/2012	2012-5/113
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employee recruitment Workforce Services, Unemployment Insurance	36095	R994-402	5YR	04/25/2012	2012-10/98
	3000		J	5 _55	
employee termination Workforce Services, Unemployment Insurance	36224	R994-405	AMD	07/09/2012	2012-11/164
WORKING SETVICES, OHEITHOUTHER HISUIAICE	36134	R994-405-104	AMD	07/09/2012	2012-11/104

employee's rights	36224	D004 405	AMD	07/00/2012	2012 11/164
Workforce Services, Unemployment Insurance	36224 36134	R994-405 R994-405-104	AMD AMD	07/09/2012 07/01/2012	2012-11/164 2012-10/84
	30134	N994-405-104	AIVID	07/01/2012	2012-10/04
employees' rights					
Human Resource Management, Administration	35832	R477-12	5YR	02/03/2012	2012-5/114
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<u>employment</u>					
Human Resource Management, Administration	35824	R477-4	5YR	02/02/2012	2012-5/109
	36121	R477-4	AMD	07/02/2012	2012-10/55
	35825	R477-5	5YR	02/02/2012	2012-5/109
Human Services, Aging and Adult Services	36469	R510-107	5YR	07/11/2012	2012-15/82
Workforce Services, Unemployment Insurance	36224	R994-405	AMD	07/09/2012	2012-11/164
	36134	R994-405-104	AMD	07/01/2012	2012-10/84
employment support procedures					
Workforce Services, Employment Development	36304	R986-100-114a	AMD	07/25/2012	2012-12/73
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energy					
Natural Resources, Geological Survey	36593	R638-2	NSC	08/13/2012	Not Printed
	36597	R638-3	NSC	08/13/2012	Not Printed
energy assistance	00000	D.105.6	EV.T	05/04/02/2	0040 40/0=
Community and Culture, Home Energy Assistance	36293	R195-2	EXT	05/31/2012	2012-12/95
Target (HEAT)	20204	D40E 0	FVT	05/04/0040	2042 42/05
	36294 35405	R195-3 R195-3-3	EXT AMD	05/31/2012 03/26/2012	2012-12/95 2011-23/16
	36295	R195-3-3 R195-4	EXT	05/31/2012	2011-23/16
	35406	R195-5	AMD	03/26/2012	2011-23/17
	36296	R195-5	EXT	05/31/2012	2012-12/96
	35407	R195-6	AMD	03/26/2012	2011-23/18
	36297	R195-6	EXT	05/31/2012	2012-12/96
	35408	R195-7	AMD	03/26/2012	2011-23/19
	36298	R195-7	EXT	05/31/2012	2012-12/96
	35409	R195-8	AMD	03/26/2012	2011-23/20
	36302	R195-8	EXT	05/31/2012	2012-12/96
Workforce Services, Administration	36194	R982-402	NEW	07/09/2012	2012-11/127
	36513	R982-402	NSC	07/31/2012	Not Printed
	36196	R982-403	NEW	07/09/2012	2012-11/130
	36514	R982-403	NSC	07/31/2012	Not Printed
	36197 36515	R982-404 R982-404	NEW NSC	07/09/2012 07/31/2012	2012-11/132 Not Printed
	36207	R982-405	NEW	07/09/2012	2012-11/133
	36516	R982-405	NSC	07/31/2012	Not Printed
	36209	R982-406	NEW	07/09/2012	2012-11/134
	36517	R982-406	NSC	07/31/2012	Not Printed
	36210	R982-407	NEW	07/09/2012	2012-11/135
	36518	R982-407	NSC	07/31/2012	Not Printed
	36212	R982-408	NEW	07/09/2012	2012-11/136
	36519	R982-408	NSC	07/31/2012	Not Printed
energy efficiency	25605	D620.2	EMD	02/04/2042	2012 2/07
Natural Resources, Geological Survey	35685	R638-3	EMR	02/01/2012	2012-3/97
energy industries					
Community and Culture, Home Energy Assistance	35409	R195-8	AMD	03/26/2012	2011-23/20
Target (HEAT)			- 	20.20.2012	_00,_0
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Workforce Services, Administration	36212	R982-408	NEW	07/09/2012	2012-11/136
	36519	R982-408	NSC	07/31/2012	Not Printed
energy utility	05004	D740 ***	E) (D)	00/00/00 / 0	0040 7/70
Public Service Commission, Administration	35924	R746-440	5YR	03/08/2012	2012-7/73
onforcement					
enforcement	36079	R162-2c	AMD	06/07/2012	2012-9/12
Commerce, Real Estate	30078	N 102-20	VINID	00/01/2012	2012-3/12

Natural Resources, Oil	, Gas and Mining; Coal	36001	R645-403	NEW	05/23/2012	2012-8/58
enrollment Education, Administrati	on	35936 36153	R277-485 R277-612	AMD 5YR	05/08/2012 05/07/2012	2012-7/33 2012-11/179
enrollment options Education, Administrati	on	36200	R277-437-3	AMD	07/09/2012	2012-11/17
enterprise zones Tax Commission, Audit	ing	35600 36173	R865-9I R865-9I-49	5YR AMD	01/03/2012 07/26/2012	2012-2/127 2012-11/116
environment Tax Commission, Audit	ing	35603	R865-13G	5YR	01/03/2012	2012-2/131
environmental analysis Environmental Quality,		36277	R313-24	5YR	05/24/2012	2012-12/84
environmental assessn Natural Resources, For	<u>nent</u> restry, Fire and State Lands	36015	R652-90	5YR	04/02/2012	2012-8/88
environmental health se Commerce, Occupation	<u>cientist</u> nal and Professional Licensing	35430	R156-20a	AMD	01/10/2012	2011-23/10
environmental health son Commerce, Occupation	cientist-in-training nal and Professional Licensing	35430	R156-20a	AMD	01/10/2012	2011-23/10
Equine Viral Arteritis (E Agriculture and Food, A		35693	R58-23	5YR	01/18/2012	2012-4/61
equipment Environmental Quality, Environmental Quality,		35775 35726	R307-120 R317-12	5YR 5YR	02/01/2012 01/25/2012	2012-4/81 2012-4/89
essential facilities Public Service Commis	ssion, Administration	35916	R746-349	5YR	03/06/2012	2012-7/71
estheticians Commerce, Occupation	nal and Professional Licensing	35853	R156-11a	5YR	02/06/2012	2012-5/101
evaluation cycles Judicial Performance E Administration	evaluation Commission,	35930	R597-3	EMR	03/15/2012	2012-7/57
		35934	R597-3	AMD	06/01/2012	2012-7/50
<u>ex-convicts</u> Human Services, Juve	nile Justice Services	36227	R547-10	5YR	05/16/2012	2012-12/86
exceptional children Education, Administrati	on	35539	R277-751	AMD	02/07/2012	2012-1/18
excess emissions Environmental Quality,	Air Quality	35865 35865	R307-107 R307-107	R&R CPR	07/31/2012 07/31/2012	2012-5/31 2012-13/89
executions Corrections, Administra	ation	35761 35768 35806	R251-107 R251-107 R251-107	EXD EMR NEW	01/18/2012 02/01/2012 04/09/2012	2012-4/123 2012-4/47 2012-5/13
<u>expansion</u> Education, Administrati	on	35453 36368	R277-482 R277-482	NEW AMD	01/10/2012 08/08/2012	2011-23/38 2012-13/54
expelled Education, Administrati	on	36071	R277-483-4	AMD	06/07/2012	2012-9/36

expert witnesses Attorney General, Administration	35904	R105-1	NEW	04/24/2012	2012-6/6
extended benefits Workforce Services, Unemployment Insurance	36095	R994-402	5YR	04/25/2012	2012-10/98
extended school year Education, Administration	35539	R277-751	AMD	02/07/2012	2012-1/18
extended-day Education, Administration	36372	R277-489	5YR	06/15/2012	2012-13/100
extinguishers Public Safety, Fire Marshal	36198	R710-1	5YR	05/15/2012	2012-11/183
facilities Human Services, Substance Abuse and Mental Health, State Hospital	35596	R525-8	AMD	02/21/2012	2012-2/100
facilities use Administrative Services, Facilities Construction and	36146	R23-19	5YR	05/03/2012	2012-11/177
Management Capitol Preservation Board (State), Administration	35899 36359	R131-3 R131-3	EXT 5YR	02/29/2012 06/13/2012	2012-6/43 2012-13/97
<u>facility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	36106	R414-9-5	AMD	07/01/2012	2012-10/37
factory built housing Commerce, Occupational and Professional Licensing	35735	R156-56	5YR	01/31/2012	2012-4/62
faculty Education, Administration	36639	R277-401	5YR	08/14/2012	Not Printed
fair employment practices Human Resource Management, Administration	35822 36119 35824 36121	R477-2 R477-2 R477-4 R477-4	5YR AMD 5YR AMD	02/02/2012 07/02/2012 02/02/2012 07/02/2012	2012-5/108 2012-10/51 2012-5/109 2012-10/55
falconry Natural Resources, Wildlife Resources	35734	R657-20	AMD	04/02/2012	2012-4/25
family employment program Workforce Services, Employment Development	35919 36133 35501	R986-200-214 R986-200-221 R986-200-247	AMD AMD AMD	05/22/2012 08/01/2012 02/01/2012	2012-7/54 2012-10/83 2011-24/78
federal law Financial Institutions, Credit Unions	35700	R337-10	5YR	01/20/2012	2012-4/90
fees Administrative Services, Finance Corrections, Administration Environmental Quality, Air Quality Environmental Quality, Environmental Response and Remediation Human Services, Child and Family Services Natural Resources, Parks and Recreation Public Safety, Highway Patrol	35663 36312 36338 36047 36044 36235 36436	R25-14 R251-401 R307-414 R311-203 R512-51 R651-227 R714-550	5YR 5YR 5YR 5YR 5YR 5YR AMD 5YR	01/12/2012 06/05/2012 06/06/2012 04/10/2012 04/09/2012 07/23/2012 07/02/2012	2012-3/105 2012-13/99 2012-13/104 2012-9/84 2012-9/93 2012-12/53 2012-14/77
filing Public Service Commission, Administration	35506	R746-800	REP	02/07/2012	2012-1/43
filing deadlines					

Labor Commission, Adjudication	36399	R602-1	5YR	06/19/2012	2012-14/70
Labor Commission, Adjudication Labor Commission, Industrial Accidents	36402	R612-1	5YR	06/19/2012	2012-14/71
Labor Commission, moustral Accidents					
W 16 0 : 11 1	36454	R612-1-10	NSC	07/25/2012	Not Printed
Workforce Services, Unemployment Insurance	36223	R994-403	AMD	07/09/2012	2012-11/159
	35448	R994-403-112c	AMD	01/17/2012	2011-23/98
CIV. C					
filing fees	20007	D050 4	EVD.	04/00/0040	2042.0/02
Natural Resources, Forestry, Fire and State Lands	36007	R652-4	5YR	04/02/2012	2012-8/83
School and Institutional Trust Lands, Administration	36408	R850-4	5YR	06/27/2012	2012-14/77
filing requirements	00400	D740 400	EVD.	05/40/0040	0040 44/400
Public Service Commission, Administration	36166	R746-420	5YR	05/10/2012	2012-11/183
	35924	R746-440	5YR	03/08/2012	2012-7/73
financial disclosures					
	26205	D105 /	EVT	05/21/2012	2012 12/05
Community and Culture, Home Energy Assistance	36295	R195-4	EXT	05/31/2012	2012-12/95
Target (HEAT)	20407	D000 404	NIE\A/	07/00/0040	2042 44/422
Workforce Services, Administration	36197	R982-404	NEW	07/09/2012	2012-11/132
	36515	R982-404	NSC	07/31/2012	Not Printed
financial institutions					
financial institutions	26527	D224 E	EVD	07/20/2042	2012 10/102
Financial Institutions, Administration	36527	R331-5	5YR	07/20/2012	2012-16/193
	35684	R331-7	AMD	03/09/2012	2012-3/46
	36532	R331-7	5YR	07/20/2012	2012-16/193
	36528	R331-9	5YR	07/20/2012	2012-16/194
	36529	R331-10	5YR	07/20/2012	2012-16/194
	36530	R331-12	5YR	07/20/2012	2012-16/195
	36531	R331-14	5YR	07/20/2012	2012-16/195
	36021	R331-22	EXT	04/02/2012	2012-8/91
	36533	R331-22	5YR	07/20/2012	2012-16/196
Financial Institutions Credit Unions					
Financial Institutions, Credit Unions	35700	R337-10	5YR	01/20/2012	2012-4/90
Financial Institutions, Nondepository Lenders	35628	R343-1	5YR	01/06/2012	2012-3/114
financial requirements					
	26464	D164 E	5YR	07/11/2012	2012-15/76
Commerce, Securities	36461	R164-5	SIK	07/11/2012	2012-15/76
financial responsibility					
Environmental Quality, Environmental Response and	36051	R311-207	5YR	04/10/2012	2012-9/87
	30031	K311-201	SIK	04/10/2012	2012-9/07
Remediation					
financial statements					
Commerce, Securities	26520	R164-10	5YR	07/25/2012	2012-16/185
Commerce, Securities	36538	R 104-10	SIK	07/25/2012	2012-10/185
financing of programs					
Human Services, Substance Abuse and Mental	36310	R523-20	5YR	06/05/2012	2012-13/107
Health	30310	K323-20	JIK	00/03/2012	2012-13/10/
пеаш					
fire authority					
Environmental Quality, Air Quality	35923	R307-202	R&R	07/31/2012	2012-7/38
Environmental Quality, All Quality	35923	R307-202 R307-202	CPR	07/31/2012	2012-1/38
	33923	K307-202	CFK	07/31/2012	2012-13/91
fire prevention					
Public Safety, Fire Marshal	26400	R710-1	EVD	05/45/2042	2012 11/102
Public Salety, Fire Marshal	36198		5YR	05/15/2012	2012-11/183
	36278	R710-4	5YR	05/24/2012	2012-12/89
	36022	R710-4-3	AMD	05/22/2012	2012-8/60
	36188	R710-7-2	AMD	07/10/2012	2012-11/92
	35929	R710-8	5YR	03/13/2012	2012-7/71
fire prevention law		D=10.6	-> /D	00/07/07/7	
Public Safety, Fire Marshal	36343	R710-9	5YR	06/07/2012	2012-13/114
<i>C</i>					
fire prevention systems	26250	D710 7	EVD	05/04/0040	2012 12/02
Public Safety, Fire Marshal	36250	R710-7	5YR	05/21/2012	2012-12/89
fire training					
fire training Public Safety, Fire Marshal	36023	D710_10 5	AMD	05/22/2012	2012-8/62
fire training Public Safety, Fire Marshal	36023	R710-10-5	AMD	05/22/2012	2012-8/62

firearms		5	- N	0.4/0.0/0.4.0	00100100
Human Services, Juvenile Justice Services Natural Resources, Parks and Recreation	36043 36229	R547-14 R651-612	5YR REP	04/09/2012 07/23/2012	2012-9/93 2012-12/57
Public Safety, Peace Officer Standards and Training	35568	R728-408	REP	05/14/2012	2012-12/37
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<u>fireworks</u>					
Public Safety, Fire Marshal	35690	R710-2	AMD	03/09/2012	2012-3/73
	36251	R710-2	5YR	05/21/2012	2012-12/87
fiscal					
Natural Resources, Parks and Recreation	36225	R651-301	5YR	05/16/2012	2012-12/86
fish	05440	D057.40	ANAD	04/40/0040	0044 00/75
Natural Resources, Wildlife Resources	35440 35439	R657-13 R657-58	AMD AMD	01/10/2012 01/10/2012	2011-23/75 2011-23/79
	35438	R657-59	AMD	01/10/2012	2011-23/80
fishing					
Natural Resources, Wildlife Resources	35440	R657-13	AMD	01/10/2012	2011-23/75
	36152 35439	R657-30 R657-58	5YR AMD	05/04/2012 01/10/2012	2012-11/182 2011-23/79
	33433	1037-30	AIVID	01/10/2012	2011-23/19
fleet expansion					
Administrative Services, Fleet Operations	35622	R27-4	5YR	01/05/2012	2012-3/105
food establishment registration	25662	R70-560	5YR	01/12/2012	2012 2/111
Agriculture and Food, Regulatory Services	35662	R70-300	STR	01/12/2012	2012-3/111
food inspection					
Agriculture and Food, Animal Industry	36249	R58-10	REP	07/26/2012	2012-12/9
	36248	R58-16	REP	07/26/2012	2012-12/10
food increations					
food inspections Agriculture and Food, Animal Industry	35866	R58-11	AMD	05/15/2012	2012-5/5
Agriculture and 1 ood, Ariinar industry	36144	R58-11	NSC	05/30/2012	Not Printed
Agriculture and Food, Regulatory Services	35661	R70-320	5YR	01/12/2012	2012-3/109
	35658	R70-350	5YR	01/12/2012	2012-3/109
	35657	R70-360	5YR	01/12/2012	2012-3/110
food safety					
Agriculture and Food, Regulatory Services	36147	R70-520	NEW	07/10/2012	2012-11/6
rigination and room, riogalatory continues	35920	R70-530	5YR	03/07/2012	2012-7/63
	35662	R70-560	5YR	01/12/2012	2012-3/111
for display to confirm de					
food sales tax refunds Workforce Services, Housing and Community	36221	R990-100	NEW	07/09/2012	2012-11/151
Development	30221	11000-100	INEVV	01703/2012	2012-11/101
	36525	R990-100	NSC	07/31/2012	Not Printed
food services	25745	D202 400	EVD.	04/00/0040	0040 4/04
Health, Disease Control and Prevention, Environmental Services	35715	R392-100	5YR	01/20/2012	2012-4/91
Liviloninental Services	35445	R392-100	AMD	01/26/2012	2011-23/62
food stamps					
Workforce Services, Employment Development	35993	R986-900-902	AMD	07/01/2012	2012-8/67
	36300	R986-900-902	AMD	07/25/2012	2012-12/75
foreign exchange students					
Education, Administration	36153	R277-612	5YR	05/07/2012	2012-11/179
forensic Human Services, Substance Abuse and Mental	35506	R525-8	AMD	02/21/2012	2012-2/100
Health, State Hospital	35596	NU2U-0	AIVID	UZIZ 1/ZU 1Z	ZU 1Z-Z/ 1UU
, otato i roopitai					
forest practices					
Natural Resources, Forestry, Fire and State Lands	35698	R652-140	5YR	01/19/2012	2012-4/108

foster care		D. 40 - 40 4			001010100
Human Services, Administration	36284	R495-884	NEW	08/15/2012	2012-12/39
Human Services, Child and Family Services	35910	R512-2	5YR	03/05/2012	2012-7/68
	35911 35912	R512-31 R512-32	5YR	03/05/2012 03/05/2012	2012-7/68
	36044	R512-32 R512-51	5YR 5YR	04/09/2012	2012-7/69 2012-9/93
	30044	R312-31	SIK	04/09/2012	2012-9/93
franchises					
Commerce, Administration	36329	R151-35	5YR	06/05/2012	2012-13/97
Commerce, Consumer Protection	35965	R152-15	5YR	03/22/2012	2012-8/71
Tax Commission, Auditing	35599	R865-6F	5YR	01/03/2012	2012-2/126
	36170	R865-6F-6	AMD	07/26/2012	2012-11/113
fraud					
Commerce, Securities	36459	R164-1	5YR	07/11/2012	2012-15/75
free speech					
Administrative Services, Facilities Construction and	36148	R23-20	5YR	05/03/2012	2012-11/178
Management	00110	1120 20		00/00/2012	2012 111110
free speech activities Capital Preservation Board (State), Administration	35600	D121 11	5YR	04/47/2012	2012 2/112
Capitol Preservation Board (State), Administration	35688	R131-11	SIK	01/17/2012	2012-3/112
freedom of information					
Administrative Services, Administration	36285	R13-2-4	AMD	08/07/2012	2012-12/8
Natural Resources, Parks and Recreation	36060	R651-102	5YR	04/11/2012	2012-9/98
Natural Resources, Wildlife Resources	36131	R657-29	5YR	05/01/2012	2012-10/95
fuel					
Tax Commission, Auditing	35598	R865-4D	5YR	01/03/2012	2012-2/125
rax commission, radiang	00000	11000 40	OTIC	01/00/2012	2012 2/120
fuel dispensing					
Administrative Services, Fleet Operations	35620	R27-6	5YR	01/05/2012	2012-3/106
functional classification					
Transportation, Program Development	35959	R926-4	5YR	03/20/2012	2012-8/90
Transportation, 1 rogram bevelopment	35960	R926-4	NSC	04/11/2012	Not Printed
				0	
funding formula					
Human Services, Aging and Adult Services	36478	R510-100	5YR	07/11/2012	2012-15/79
funeral directors					
Commerce, Occupational and Professional Licensing	36117	R156-9	AMD	06/21/2012	2012-10/17
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funeral industries					
Commerce, Occupational and Professional Licensing	36117	R156-9	AMD	06/21/2012	2012-10/17
game birds					
Natural Resources, Wildlife Resources	36150	R657-22	5YR	05/04/2012	2012-11/182
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game laws		5 /		07/00/00/0	
Natural Resources, Wildlife Resources	36280	R657-4	5YR	05/29/2012	2012-12/87
	35520	R657-5	AMD	02/07/2012	2012-1/29
	36158	R657-5	AMD	07/09/2012	2012-11/85
	36448 35209	R657-14	5YR	07/09/2012	2012-15/88 2011-18/63
	35209 35733	R657-17 R657-33	AMD AMD	01/10/2012 04/02/2012	2011-18/63
	36363	R657-64	NEW	08/07/2012	2012-4/32
	36545	R657-64	NSC	08/08/2012	Not Printed
				25.00.2012	
gasoline	0.5770	D007.004	EVD.	00/04/0040	0040 4/00
Environmental Quality, Air Quality	35778	R307-301	5YR	02/01/2012	2012-4/83
	35781	R307-326	5YR	02/01/2012	2012-4/85
Tax Commission, Auditing	35782 35603	R307-327 R865-13G	5YR 5YR	02/01/2012 01/03/2012	2012-4/86 2012-2/131
rax commission, radiung	55555	1000-100	3110	01/00/2012	2012-2/131

gasoline transport					
Environmental Quality, Air Quality	35783	R307-328	5YR	02/01/2012	2012-4/86
genetic counselors					
Commerce, Occupational and Professional Licensing		R156-75	AMD	07/09/2012	2012-11/15
	36450	R156-75-102	NSC	07/25/2012	Not Printed
geology					
Commerce, Occupational and Professional Licensing	35894	R156-76	5YR	02/21/2012	2012-6/37
geothermal resources					
Natural Resources, Water Rights	36376	R655-1	5YR	06/15/2012	2012-13/112
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government documents					
Community and Culture, Home Energy Assistance	35408	R195-7	AMD	03/26/2012	2011-23/19
Target (HEAT)					
··g-· (··= ··)	36298	R195-7	EXT	05/31/2012	2012-12/96
Environmental Quality, Administration	35928	R305-1	5YR	03/13/2012	2012-7/65
Health, Administration	36025	R380-20	5YR	04/03/2012	2012-9/92
Human Services, Administration	35689	R495-810	5YR	01/17/2012	2012-3/32
Natural Resources, Forestry, Fire and State Lands	36018	R652-6	5YR	04/02/2012	2012-8/84
Natural Resources, Parks and Recreation	36060	R651-102	5YR	04/02/2012	2012-9/98
Natural Resources, Wildlife Resources	36131	R657-29	5YR	05/01/2012	2012-10/95
School and Institutional Trust Lands, Administration	36410	R850-6	5YR	06/27/2012	2012-14/78
Transportation, Administration	35672	R907-69	NEW	03/12/2012	2012-3/81
Workforce Services, Administration	36210	R982-407	NEW	07/09/2012	2012-11/135
	36518	R982-407	NSC	07/31/2012	Not Printed
government ethics					
Human Resource Management, Administration	35829	R477-9	5YR	02/02/2012	2012-5/112
	36125	R477-9	AMD	07/02/2012	2012-10/76
government hearings					
Agriculture and Food, Administration	35614	R51-2	5YR	01/04/2012	2012-3/107
Commerce, Administration	36104	R151-4-306	AMD	06/21/2012	2012-10/16
Commerce, Consumer Protection	35974	R152-6	5YR	03/26/2012	2012-8/71
Financial Institutions, Administration	36528	R331-9	5YR	07/20/2012	2012-16/194
Human Resource Management, Administration	35831	R477-11	5YR	02/03/2012	2012-5/114
•	36126	R477-11	AMD	07/02/2012	2012-10/79
Pardons (Board Of), Administration	35739	R671-205	5YR	01/31/2012	2012-4/111
, , , , , , , , , , , , , , , , , , , ,	35744	R671-304	5YR	01/31/2012	2012-4/113
	35745	R671-305	5YR	01/31/2012	2012-4/114
	35551	R671-305	AMD	03/26/2012	2012-2/101
	36549	R671-403	5YR	07/27/2012	2012-16/198
Public Service Commission, Administration	35508	R746-100	AMD	02/07/2012	2012-1/30
Table dervice dominission, Administration	35900	R746-100	AMD	05/07/2012	2012-6/24
	36195	R746-100	AMD	07/09/2012	2012-0/24
	30193	177-40-100	AIVID	0110312012	2012-11/34
government paperwork					
Transportation, Administration	35670	R907-60	REP	03/12/2012	2012-3/80
Transportation, Administration	33070	11307-00	IXLI	03/12/2012	2012-3/00
government purchasing					
Administrative Services, Purchasing and General	35664	R33-1	AMD	03/30/2012	2012-3/4
·	33004	1133-1	AIVID	03/30/2012	2012-3/4
Services	36423	R33-1	5YR	07/02/2012	2012-14/61
		R33-2			
	36424		5YR	07/02/2012	2012-14/61
	35613	R33-3	AMD	03/30/2012	2012-2/6
	36425	R33-3	5YR	07/02/2012	2012-14/62
	35667	R33-3-7	AMD	03/30/2012	2012-3/6
	35665	R33-4	AMD	03/30/2012	2012-3/10
	36426	R33-4	5YR	07/02/2012	2012-14/62
	36428	R33-5	5YR	07/02/2012	2012-14/63
	35666	R33-6-101	AMD	03/30/2012	2012-3/12
	36430	R33-8	5YR	07/02/2012	2012-14/63
School and Institutional Trust Lands, Administration	36088	R850-11	5YR	04/24/2012	2012-10/95

governmental immunity act caps					
Administrative Services, Risk Management	36289	R37-4	5YR	05/30/2012	2012-12/83
	35844	R37-4	AMD	05/31/2012	2012-5/4
governor					
Environmental Quality, Air Quality	36333	R307-105	5YR	06/06/2012	2012-13/101
grading system					
Education, Administration	35875	R277-497	NEW	04/10/2012	2012-5/24
	36202	R277-497-3	AMD	07/09/2012	2012-11/22
graduation requirements				00/0=/00/0	
Education, Administration	35537	R277-703	AMD	02/07/2012	2012-1/14
	36648	R277-703	5YR	08/14/2012	Not Printed
CDAMA					
GRAMA	25020	D205.4	EVD.	00/40/0040	2042 7/05
Environmental Quality, Administration	35928	R305-1	5YR	03/13/2012	2012-7/65
Health, Administration	36025	R380-20	5YR	04/03/2012	2012-9/92
Natural Resources, Forestry, Fire and State Lands	36018	R652-6	5YR	04/02/2012	2012-8/84
Regents (Board Of), College of Eastern Utah	36391	R767-1	EXT	06/18/2012	2012-14/83
School and Institutional Trust Lands, Administration	36410	R850-6	5YR	06/27/2012	2012-14/78
Transportation, Administration	35672	R907-69	NEW	03/12/2012	2012-3/81
GRAMA compliance			_,		
Human Services, Recovery Services	35631	R527-5	5YR	01/06/2012	2012-3/116
grants	00004	D077 400	NIEVA/	00/00/0040	0040 40440
Education, Administration	36364	R277-408	NEW	08/08/2012	2012-13/49
	35671	R277-511	5YR	01/17/2012	2012-3/113
	35678	R277-511	REP	03/12/2012	2012-3/28
	36374	R277-618	NEW	08/08/2012	2012-13/63
Environmental Quality, Water Quality	36456	R317-100	5YR	07/11/2012	2012-15/78
Natural Resources, Oil, Gas and Mining; Abandoned	35800	R643-886	5YR	02/01/2012	2012-4/105
Mine Reclamation					
Workforce Services, Housing and Community	36216	R990-8	NEW	07/09/2012	2012-11/140
Development					
	36521	R990-8	NSC	07/31/2012	Not Printed
	36217	R990-9	NEW	07/09/2012	2012-11/144
	36522	R990-9	NSC	07/31/2012	Not Printed
	36219	R990-11	NEW	07/09/2012	2012-11/148
	36524	R990-11	NSC	07/31/2012	Not Printed
	36221	R990-100	NEW	07/09/2012	2012-11/151
	36525	R990-100	NSC	07/31/2012	Not Printed
greenhouse gases		D00= :::		00/00/07 / 7	00101
Environmental Quality, Air Quality	36334	R307-401	5YR	06/06/2012	2012-13/101
	36154	R307-401-11	NSC	05/30/2012	Not Printed
	35413	R307-405	AMD	02/02/2012	2011-23/42
	35872	R307-405-3	NSC	02/29/2012	Not Printed
	36339	R307-415	5YR	06/06/2012	2012-13/104
	35529	R307-415-2	AMD	03/07/2012	2012-1/25
grievance procedures					
Career Service Review Office, Administration	35559	R137-1-21	AMD	02/21/2012	2012-2/26
Health, Administration	36099	R380-100	5YR	04/26/2012	2012-10/90
Human Services, Administration	35717	R495-878	5YR	01/23/2012	2012-4/99
Tax Commission, Administration	35595	R861-1A	5YR	01/03/2012	2012-2/122
	35862	R861-1A-9	AMD	04/12/2012	2012-5/93
	36061	R861-1A-16	AMD	06/14/2012	2012-9/65
	36172	R861-1A-20	AMD	07/26/2012	2012-11/111
grievances					
Commerce, Administration	35897	R151-3	5YR	02/28/2012	2012-6/35
Human Resource Management, Administration	35823	R477-3	5YR	02/02/2012	2012-5/108
	36120	R477-3	AMD	07/02/2012	2012-10/54
	35831	R477-11	5YR	02/03/2012	2012-5/114
	36126	R477-11	AMD	07/02/2012	2012-10/79

	35832	R477-12	5YR	02/03/2012	2012-5/114
ground water Environmental Quality, Water Quality	36544	R317-6	5YR	07/26/2012	2012-16/192
guardianship Human Services, Public Guardian (Office of)	35759	R549-1	5YR	02/01/2012	2012-4/100
halfway houses Corrections, Administration	35755 36040	R251-306 R251-306	EXT 5YR	01/31/2012 04/06/2012	2012-4/121 2012-9/77
Hatch Act Human Resource Management, Administration	35829 36125	R477-9 R477-9	5YR AMD	02/02/2012 07/02/2012	2012-5/112 2012-10/76
hazardous air pollutant Environmental Quality, Air Quality	35922 36337	R307-214 R307-410	AMD 5YR	06/07/2012 06/06/2012	2012-7/42 2012-13/103
hazardous materials transportation Transportation, Motor Carrier	35426	R909-75	AMD	01/10/2012	2011-23/96
hazardous pollutant Environmental Quality, Air Quality	35777	R307-135	5YR	02/01/2012	2012-4/82
hazardous substance priority list Environmental Quality, Environmental Response and Remediation	36030	R311-401	5YR	04/04/2012	2012-9/91
hazardous substances Environmental Quality, Environmental Response and Remediation	35447	R311-201	AMD	01/13/2012	2011-23/45
	36045 36046 36047 36048 36050 36056 36030	R311-201 R311-202 R311-203 R311-204 R311-206 R311-212 R311-401	5YR 5YR 5YR 5YR 5YR 5YR 5YR	04/10/2012 04/10/2012 04/10/2012 04/10/2012 04/10/2012 04/10/2012 04/04/2012	2012-9/82 2012-9/84 2012-9/84 2012-9/85 2012-9/90 2012-9/90
Transportation, Motor Carrier	36028 35426	R311-401-2 R909-75	AMD AMD	07/20/2012 01/10/2012	2012-9/58 2011-23/96
hazardous substances priority list Environmental Quality, Environmental Response and Remediation	36028	R311-401-2	AMD	07/20/2012	2012-9/58
hazardous waste Environmental Quality, Solid and Hazardous Waste Transportation, Motor Carrier	35349 35350 35351 35352 35353 35354 35355 35356 35357 35867 35358 35426	R315-1 R315-2 R315-3 R315-5 R315-6 R315-7 R315-8 R315-13 R315-14-8 R315-16 R315-50-9 R909-75	AMD	01/13/2012 01/13/2012 01/13/2012 01/13/2012 01/13/2012 01/13/2012 01/13/2012 01/13/2012 01/13/2012 04/17/2012 01/13/2012 01/13/2012	2011-21/27 2011-21/30 2011-21/38 2011-21/53 2011-21/67 2011-21/67 2011-21/75 2011-21/76 2011-21/76 2012-5/62 2011-21/77 2011-23/96
headgear	-			- -	
Public Safety, Highway Patrol	36434	R714-220	5YR	07/02/2012	2012-14/75
health Governor, Planning and Budget, Inspector General of Medicaid Services (Office of)	35879	R367-1	NEW	04/23/2012	2012-5/74

	35973	R367-1-7	NSC	04/23/2012	Not Printed
	35958				
Haalth Cantan for Haalth Data Haalth Core Ctatiation		R367-1-15	AMD	05/23/2012	2012-8/6
Health, Center for Health Data, Health Care Statistics		R428-2	AMD	04/26/2012	2012-5/80
	35869	R428-5	AMD	06/28/2012	2012-5/83
	36027	R428-5	NSC	06/28/2012	Not Printed
	35870	R428-10	AMD	05/31/2012	2012-5/85
	36111	R428-13	AMD	07/02/2012	2012-10/44
	35492	R428-20	REP	01/24/2012	2011-24/20
health administration					
Health, Administration	36098	R380-10	5YR	04/26/2012	2012-10/89
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health benefit plan insurance					
Insurance, Administration	35918	R590-261-11	NSC	03/22/2012	Not Printed
modranoc, Administration	33310	11000-201-11	1400	00/22/2012	Not i iiitea
health care facilities					
	25450	D422.4	AMD	00/04/0040	2011 24/21
Health, Family Health and Preparedness, Licensing	35459	R432-4	AMD	02/21/2012	2011-24/21
	35649	R432-4-8	NSC	02/21/2012	Not Printed
	35460	R432-5	AMD	02/21/2012	2011-24/28
	35461	R432-6	AMD	02/21/2012	2011-24/33
	35462	R432-7	AMD	02/21/2012	2011-24/38
	35463	R432-8	AMD	02/21/2012	2011-24/40
	35464	R432-9	AMD	02/21/2012	2011-24/43
	35465	R432-10	AMD	02/21/2012	2011-24/46
	35466	R432-11	AMD	02/21/2012	2011-24/50
	35467	R432-12	AMD	02/21/2012	2011-24/53
	35468	R432-13	AMD	02/21/2012	2011-24/57
	35469	R432-14	AMD	02/21/2012	2011-24/59
	35470	R432-16	AMD	02/21/2012	2011-24/61
	35977	R432-40	5YR	03/28/2012	2012-8/77
	35500	R432-100	AMD	02/08/2012	2011-24/67
	35471	R432-100	AMD	02/21/2012	2011-24/65
	35978	R432-150	5YR	03/28/2012	2012-8/77
	35979	R432-151	5YR	03/28/2012	2012-8/78
	35980	R432-152	5YR	03/28/2012	2012-8/78
	35981	R432-200	5YR	03/28/2012	2012-8/79
	35982	R432-201	5YR	03/28/2012	2012-8/79
	35499	R432-270-6	AMD	02/08/2012	2011-24/73
	35983	R432-300	5YR	03/28/2012	2012-8/80
	35472	R432-650	AMD	02/21/2012	2011-24/74
	35652	R432-650	AMD	03/28/2012	2012-3/63
	35984	R432-650	5YR	03/28/2012	2012-8/80
	35985	R432-700	5YR	03/28/2012	2012-8/81
	35986	R432-750	5YR	03/28/2012	2012-8/81
	35987	R432-950	5YR	03/28/2012	2012-8/82
	00001	14-02-000	OTIC	00/20/2012	2012 0/02
health care professionals					
	35632	R708-7	5YR	01/09/2012	2012-3/122
Public Safety, Driver License	33032	K/00-/	SIK	01/09/2012	2012-3/122
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health care quality	00440	D. 100 10		0=10010010	001010110
Health, Center for Health Data, Health Care Statistics		R428-12	AMD	07/02/2012	2012-10/43
	35616	R428-15	AMD	03/16/2012	2012-3/51
health claims insurance reporting					
Health, Center for Health Data, Health Care Statistics	35616	R428-15	AMD	03/16/2012	2012-3/51
		-			-
health insurance					
Capitol Preservation Board (State), Administration	35611	R131-13	EMR	01/03/2012	2012-2/105
Capitor i reservation board (State), Administration	35610	R131-13	AMD	02/21/2012	2012-2/105
Human Caminas Deservery Comities					
Human Services, Recovery Services	35619	R527-201	AMD	03/27/2012	2012-3/70
health insurance arbitration					
Insurance, Administration	36576	R590-215	NSC	08/13/2012	Not Printed
health insurance claims reporting					
Insurance, Administration	35201	R590-262	NEW	03/07/2012	2011-18/41
•	35201	R590-262	CPR	03/07/2012	2011-24/84
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health insurance exemptions	00004	D500.000	E) (D)	04/04/0040	0040 0/07
Insurance, Administration	36031	R590-239	5YR	04/04/2012	2012-9/97
	36344	R590-240	5YR	06/07/2012	2012-13/111
hardth are interested and in the					
health maintenance organization	00440	D400.40	AMD	07/00/0040	0040 40/40
Health, Center for Health Data, Health Care Statistics	36110	R428-12	AMD	07/02/2012	2012-10/43
hankha alamaina					
health planning	25000	D400.0	AMD	04/00/0040	2042 5/00
Health, Center for Health Data, Health Care Statistics		R428-2	AMD	04/26/2012	2012-5/80
	35869	R428-5	AMD	06/28/2012	2012-5/83
	36027	R428-5	NSC	06/28/2012	Not Printed
	35870	R428-10	AMD	05/31/2012	2012-5/85
	36111	R428-13	AMD	07/02/2012	2012-10/44
	35492	R428-20	REP	01/24/2012	2011-24/20
health policy					
Health, Center for Health Data, Health Care Statistics	35868	R428-2	AMD	04/26/2012	2012-5/80
	35869	R428-5	AMD	06/28/2012	2012-5/83
	36027	R428-5	NSC	06/28/2012	Not Printed
	36111	R428-13	AMD	07/02/2012	2012-10/44
	35492	R428-20	REP	01/24/2012	2011-24/20
health spas					
Commerce, Consumer Protection	35971	R152-23	5YR	03/22/2012	2012-8/73
<u>hearings</u>					
Community and Culture, Home Energy Assistance	35403	R195-1	AMD	03/26/2012	2011-23/12
Target (HEAT)					
Environmental Quality, Environmental Response and	36054	R311-210	5YR	04/10/2012	2012-9/89
Remediation					
Environmental Quality, Radiation Control	35416	R313-17	AMD	03/19/2012	2011-23/50
Labor Commission, Adjudication	36400	R602-2	5YR	06/19/2012	2012-14/71
Workforce Services, Administration	36193	R982-401	NEW	07/09/2012	2012-11/125
, , , , , , , , , , , , , , , , , , , ,	36512	R982-401	NSC	07/31/2012	Not Printed
	00012	11002 101	1100	0170172012	TTOCT TILLOG
HEAT					
Community and Culture, Home Energy Assistance	36293	R195-2	EXT	05/31/2012	2012-12/95
Target (HEAT)					
Workforce Services, Administration	36194	R982-402	NEW	07/09/2012	2012-11/127
	36513	R982-402	NSC	07/31/2012	Not Printed
higher education					
Education, Administration	36649	R277-713	5YR	08/14/2012	Not Printed
Money Management Council, Administration	36453	R628-2	5YR	07/10/2012	2012-15/87
Regents (Board Of), Administration	36165	R765-604	AMD	07/09/2012	2012-11/104
3 (,,					
highly qualified					
Education, Administration	35671	R277-511	5YR	01/17/2012	2012-3/113
	35678	R277-511	REP	03/12/2012	2012-3/28
<u>highways</u>					
Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57
hiring practices					
Human Resource Management, Administration	35824	R477-4	5YR	02/02/2012	2012-5/109
	36121	R477-4	AMD	07/02/2012	2012-10/55
historic preservation					
Tax Commission, Auditing	35599	R865-6F	5YR	01/03/2012	2012-2/126
<u>-</u>	36170	R865-6F-6	AMD	07/26/2012	2012-11/113
	35600	R865-9I	5YR	01/03/2012	2012-2/127
	36173	R865-9I-49	AMD	07/26/2012	2012-11/116
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holidays					
Human Resource Management, Administration	35827	R477-7	5YR	02/02/2012	2012-5/111
3 ,	36123	R477-7	AMD	07/02/2012	2012-10/63

home care services	20470	DE40 400	EVD.	07/44/0040	2042 45/05
Human Services, Aging and Adult Services	36476	R510-400	5YR	07/11/2012	2012-15/85
honey Agriculture and Food, Plant Industry Agriculture and Food, Regulatory Services	35566 36147	R68-21 R70-520	REP NEW	03/07/2012 07/10/2012	2012-2/16 2012-11/6
hospital policy Health, Center for Health Data, Health Care Statistics	35870	R428-10	AMD	05/31/2012	2012-5/85
hospitals Environmental Quality, Air Quality	35530 36026	R307-222 R307-222-1	AMD NSC	03/07/2012 04/25/2012	2012-1/22 Not Printed
hostile work environment Human Resource Management, Administration	35835	R477-15	5YR	02/03/2012	2012-5/115
hotels Health, Disease Control and Prevention, Environmental Services	36017	R392-502	5YR	04/02/2012	2012-8/75
hours of business Labor Commission, Administration	36401 35446	R600-2 R600-3-1	5YR NSC	06/19/2012 02/01/2012	2012-14/70 Not Printed
housing development Workforce Services, Administration	36213 36520	R982-501 R982-501	NEW NSC	07/09/2012 07/31/2012	2012-11/138 Not Printed
hunting Natural Resources, Wildlife Resources	35211	R657-38	AMD	01/10/2012	2011-18/65
hunting and fishing licenses Natural Resources, Wildlife Resources	35209	R657-17	AMD	01/10/2012	2011-18/63
Ignition Interlock System Program Public Safety, Driver License	36419	R708-48	EMR	07/01/2012	2012-14/53
impacted area programs Workforce Services, Housing and Community Development	36218	R990-10	NEW	07/09/2012	2012-11/145
	36523	R990-10	NSC	07/31/2012	Not Printed
implements of husbandry Transportation, Motor Carrier	35425 35873	R909-1 R909-1	AMD AMD	01/10/2012 04/11/2012	2011-23/90 2012-5/99
import requirements Agriculture and Food, Animal Industry	35691	R58-1	5YR	01/18/2012	2012-4/59
imputation Public Service Commission, Administration	35916	R746-349	5YR	03/06/2012	2012-7/71
incapacitated Human Services, Public Guardian (Office of)	35759	R549-1	5YR	02/01/2012	2012-4/100
incidents Administrative Services, Fleet Operations	36024	R27-7	AMD	06/28/2012	2012-9/4
incinerators Environmental Quality, Air Quality	35531	R307-220-3	AMD	03/07/2012	2012-1/21
income Health, Health Care Financing, Coverage and Reimbursement Policy	35789	R414-303	AMD	04/01/2012	2012-4/12

income eligibility Community and Culture, Home Energy Assistance Target (HEAT)	36294	R195-3	EXT	05/31/2012	2012-12/95
Workforce Services, Administration	35405 36196 36514	R195-3-3 R982-403 R982-403	AMD NEW NSC	03/26/2012 07/09/2012 07/31/2012	2011-23/16 2012-11/130 Not Printed
income tax Tax Commission, Auditing	35600 36173	R865-9I R865-9I-49	5YR AMD	01/03/2012 07/26/2012	2012-2/127 2012-11/116
independent foster care adolescent Health, Health Care Financing, Coverage and Reimbursement Policy	35789	R414-303	AMD	04/01/2012	2012-4/12
Indigent Defense Funds board Administrative Services, Finance	35975	R25-20	NEW	05/22/2012	2012-8/5
indoor air pollution Health, Disease Control and Prevention, Environmental Services	36019	R392-510	5YR	04/02/2012	2012-8/75
industry Environmental Quality, Radiation Control	35906 35418	R313-35 R313-36	5YR AMD	03/02/2012 01/16/2012	2012-7/65 2011-23/54
infants Health, Family Health and Preparedness, WIC Services	35812	R406-100	5YR	02/02/2012	2012-5/104
Consider	35813 35814 35815 35816	R406-200 R406-201 R406-202 R406-301	5YR 5YR 5YR 5YR	02/02/2012 02/02/2012 02/02/2012 02/02/2012	2012-5/105 2012-5/105 2012-5/106 2012-5/106
infectious waste Environmental Quality, Air Quality	35530 36026	R307-222 R307-222-1	AMD NSC	03/07/2012 04/25/2012	2012-1/22 Not Printed
informal procedures Community and Culture, Library	36328	R223-1	5YR	06/05/2012	2012-13/98
inmate visiting Corrections, Administration	35766 35773 35811	R251-706 R251-706 R251-706	EXD EMR NEW	01/18/2012 02/01/2012 04/09/2012	2012-4/124 2012-4/56 2012-5/22
inmates Corrections, Administration	35766 35773	R251-706 R251-706	EXD EMR	01/18/2012 02/01/2012	2012-4/124 2012-4/56
Pardons (Board Of), Administration	35811 35732 35737 35741 35743 35746 35747 35748 35748 35749 35751	R251-706 R671-201 R671-202 R671-301 R671-303 R671-308 R671-309 R671-310 R671-311	NEW 5YR	04/09/2012 01/26/2012 01/31/2012 01/31/2012 01/31/2012 01/31/2012 01/31/2012 01/31/2012 01/31/2012 01/31/2012	2012-5/22 2012-4/109 2012-4/110 2012-4/112 2012-4/113 2012-4/114 2012-4/115 2012-4/115 2012-4/116 2012-4/117
inmates' rights Pardons (Board Of), Administration	35743	R671-303	5YR	01/31/2012	2012-4/113
inspections Agriculture and Food, Animal Industry	35695 35694 35693	R58-18 R58-22 R58-23	5YR 5YR 5YR	01/18/2012 01/18/2012 01/18/2012	2012-4/60 2012-4/61 2012-4/61

Agriculture and Food, Regulatory Services	35920	R70-530	5YR	03/07/2012	2012-7/63
· g.··a.·a.· a.·a.· a.a., · · · · · · · · · · · · · · · · · · ·	35662	R70-560	5YR	01/12/2012	2012-3/111
Public Safety, Highway Patrol	36442	R714-158	5YR	07/02/2012	2012-14/73
Transportation, Motor Carrier	35428	R909-17	REP	01/10/2012	2011-23/94
Inspector General					
Governor, Planning and Budget, Inspector General of	35879	R367-1	NEW	04/23/2012	2012-5/74
Medicaid Services (Office of)	05070	D007.4.7	NOO	04/00/0040	Net Deleted
	35973 35958	R367-1-7 R367-1-15	NSC AMD	04/23/2012 05/23/2012	Not Printed 2012-8/6
	33936	K307-1-13	AIVID	03/23/2012	2012-0/0
insurance					
Human Resource Management, Administration	35826	R477-6	5YR	02/02/2012	2012-5/110
	36211	R477-6	AMD	07/10/2012	2012-11/68
	35880	R477-6-5	AMD	07/10/2012	2012-6/23
Insurance, Administration	35644	R590-114	5YR	01/10/2012	2012-3/117
	36036	R590-146	5YR	04/05/2012	2012-9/96
	35647	R590-147	5YR	01/10/2012	2012-3/119
	36501	R590-148	5YR	07/16/2012	2012-15/86
	36386	R590-149	5YR	06/18/2012	2012-14/69
	36485	R590-151	5YR	07/12/2012	2012-15/86
	36492	R590-170	NSC	07/25/2012	Not Printed
	36417	R590-173	5YR	06/27/2012	2012-14/69
	36035	R590-203	5YR	04/05/2012	2012-9/96
	35699	R590-230	AMD	03/26/2012	2012-4/21
insurance companies	00000	DE00 400	E) (D)	0.4/0.4/0040	0040.0/05
Insurance, Administration	36032	R590-108	5YR	04/04/2012	2012-9/95
	35850	R590-116	5YR	02/06/2012	2012-5/116
	35851	R590-117	5YR	02/06/2012	2012-5/116
	35645	R590-150	5YR	01/10/2012	2012-3/120
insurance continuing education					
Insurance, Administration	35642	R590-142	5YR	01/10/2012	2012-3/118
modranos, raminodadon	35543	R590-142	AMD	02/08/2012	2012-1/26
	000.0		,2	02/00/2012	
insurance fees					
Insurance, Administration	35725	R590-102-1	NSC	02/09/2012	Not Printed
insurance health benefit plans	0=100	D-00 000 0		0.4.0=100.40	001101-0
Insurance, Administration	35483	R590-263-3	AMD	01/25/2012	2011-24/76
incurance law					
insurance law Insurance, Administration	36037	R590-68	5YR	04/05/2012	2012-9/94
insurance, Auministration	35643	R590-00 R590-70	5YR	01/10/2012	2012-3/34
	36034	R590-85	5YR	04/05/2012	2012-9/94
	35641	R590-95	5YR	01/10/2012	2012-3/34
	36385	R590-122	5YR	06/18/2012	2012-14/68
	35646	R590-143	5YR	01/10/2012	2012-3/118
	36535	R590-197-1	NSC	08/08/2012	Not Printed
Insurance, Title and Escrow Commission	35648	R592-14	5YR	01/10/2012	2012-3/120
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insurance law privacy					
Insurance, Administration	36534	R590-210	NSC	08/08/2012	Not Printed
insurance rule					
Insurance, Administration	36059	R590-120	5YR	04/11/2012	2012-9/95
interes and a street					
interconnection	05054	D740 040	EVD.	04/44/0040	0040 0/400
Public Service Commission, Administration	35651	R746-348	5YR	01/11/2012	2012-3/126
	35927	R746-365	NSC	03/22/2012	Not Printed
intern program					
Education, Administration	35819	R277-915	5YR	02/02/2012	2012-5/104
Eddodaon, Administration	35683	R277-915	AMD	03/12/2012	2012-3/104
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internet facilitators	05505	D450 00 500	AMD	00/04/0040	0040 0/00
Commerce, Occupational and Professional Licensing	35565	R156-83-502	AMD	02/21/2012	2012-2/28
interstate compacts					
Workforce Services, Unemployment Insurance	36092	R994-106	5YR	04/25/2012	2012-10/96
interstate shellfish safety					
Agriculture and Food, Regulatory Services	35659	R70-550	5YR	01/12/2012	2012-3/110
intrastate driver license waivers					
Public Safety, Driver License	35634	R708-34	5YR	01/09/2012	2012-3/124
•	35635	R708-34	NSC	01/31/2012	Not Printed
investigations					
Public Safety, Peace Officer Standards and Training	36290	R728-409	AMD	08/06/2012	2012-12/68
investment advisors					
investment advisers Commerce, Securities	36460	R164-4	5YR	07/11/2012	2012-15/75
jail contracting Corrections, Administration	36292	R251-115	NEW	08/01/2012	2012-12/21
Corrections, Administration	30292	N251-115	INLVV	00/01/2012	2012-12/21
jail programming					
Corrections, Administration	36292	R251-115	NEW	08/01/2012	2012-12/21
jail reimbursement					
Governor, Criminal and Juvenile Justice (State	36141	R356-1	AMD	07/01/2012	2012-10/27
Commission on)					
job creation					
Governor, Economic Development	36066	R357-1	5YR	04/13/2012	2012-9/92
job descriptions					
Human Resource Management, Administration	35823	R477-3	5YR	02/02/2012	2012-5/108
	36120	R477-3	AMD	07/02/2012	2012-10/54
<u>judges</u>					
Judicial Performance Evaluation Commission,	35930	R597-3	EMR	03/15/2012	2012-7/57
Administration	35934	R597-3	AMD	06/01/2012	2012-7/50
	3335 4	1007-0	AWD	00/01/2012	2012-1100
judicial performance evaluations	05000	D507.0	EMD	00/45/0040	0040 7/57
Judicial Performance Evaluation Commission, Administration	35930	R597-3	EMR	03/15/2012	2012-7/57
, tarring action	35934	R597-3	AMD	06/01/2012	2012-7/50
iuvanila correctiona					
juvenile corrections Human Services, Juvenile Justice Services	36136	R547-1	5YR	05/01/2012	2012-10/92
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	36226	R547-6	5YR	05/16/2012	2012-12/85
	36140	R547-7	5YR	05/01/2012	2012-10/93
	36227	R547-10	5YR	05/16/2012	2012-12/86
	36138	R547-12	5YR	05/01/2012	2012-10/94
	36139	R547-12	5YR	05/01/2012	2012-10/94
	30139	K347-13	SIK	05/01/2012	2012-10/94
juvenile detention					
Human Services, Juvenile Justice Services	36139	R547-13	5YR	05/01/2012	2012-10/94
juvenile offenders					
Education, Administration	35681	R277-714	AMD	03/12/2012	2012-3/36
K-9 training					
Public Safety, Peace Officer Standards and Training	36245	R728-505	5YR	05/17/2012	2012-12/90
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kindergarten Education, Administration	36372	R277-489	5YR	06/15/2012	2012-13/100
Eddodaon, Administration	5001 Z	13211- 1 00	OTIX	00/10/2012	2012-10/100

kinship locate					
Human Services, Administration	36284	R495-884	NEW	08/15/2012	2012-12/39
labor					
Labor Commission, Antidiscrimination and Labor,	35833	R610-3-21	AMD	04/16/2012	2012-5/88
Labor			72	0 0.20 .2	2012 0/00
labor commission	00404	B000 0	EV/D	00/40/0040	0040 44/70
Labor Commission, Administration	36401 35446	R600-2 R600-3-1	5YR NSC	06/19/2012 02/01/2012	2012-14/70 Not Printed
	33440	N000-3-1	NGC	02/01/2012	NOT FIIITEU
land exchanges					
School and Institutional Trust Lands, Administration	35655	R850-90	5YR	01/12/2012	2012-3/126
land					
land use Natural Resources, Forestry, Fire and State Lands	36015	R652-90	5YR	04/02/2012	2012-8/88
Natural Resources, Wildlife Resources	36637	R657-28	5YR	08/13/2012	Not Printed
School and Institutional Trust Lands, Administration	36655	R850-100	5YR	08/15/2012	Not Printed
·	35656	R850-120	5YR	01/12/2012	2012-3/127
landfills	05504	D007 000 0	ANAD	00/07/0040	0040 4/04
Environmental Quality, Air Quality	35531	R307-220-3	AMD	03/07/2012	2012-1/21
landowner permits					
Natural Resources, Wildlife Resources	35210	R657-43	AMD	01/10/2012	2011-18/71
	35909	R657-43	5YR	03/05/2012	2012-7/70
law	26477	R510-1	5YR	07/11/2012	2012-15/79
Human Services, Aging and Adult Services	36477	K310-1	STR	07/11/2012	2012-15/79
law enforcement officers					
Public Safety, Peace Officer Standards and Training	36291	R728-401	R&R	08/06/2012	2012-12/64
	35568	R728-408	REP	05/14/2012	2012-2/102
	36290	R728-409	AMD	08/06/2012	2012-12/68
lead-based paint					
Environmental Quality, Air Quality	35857	R307-840	AMD	05/03/2012	2012-5/33
Environmental addity, 7 in addity	36161	R307-840-1	NSC	05/30/2012	Not Printed
	35858	R307-841	AMD	05/03/2012	2012-5/39
	36162	R307-841	NSC	05/30/2012	Not Printed
	35859	R307-842	AMD	05/03/2012	2012-5/47
	36163	R307-842	NSC	05/30/2012	Not Printed
lead-based paint abatement					
Environmental Quality, Air Quality	35859	R307-842	AMD	05/03/2012	2012-5/47
	36163	R307-842	NSC	05/30/2012	Not Printed
lead-based paint renovation	25050	D207 044	AMD	05/00/0040	2042 5/20
Environmental Quality, Air Quality	35858 36162	R307-841 R307-841	AMD NSC	05/03/2012 05/30/2012	2012-5/39 Not Printed
	30102	11307-041	NOC	03/30/2012	Not i filited
leafleting					
Capitol Preservation Board (State), Administration	35687	R131-10	5YR	01/17/2012	2012-3/111
	35688	R131-11	5YR	01/17/2012	2012-3/112
lease provisions					
School and Institutional Trust Lands, Administration	36279	R850-21-300	AMD	07/23/2012	2012-12/71
<u>leases</u>					
Financial Institutions, Administration	35684	R331-7	AMD	03/09/2012	2012-3/46
Natural Bassurasa Farsata, Fire and State Lands	36532	R331-7	5YR	07/20/2012	2012-16/193
Natural Resources, Forestry, Fire and State Lands Natural Resources, Wildlife Resources	36010 36637	R652-30 R657-28	5YR 5YR	04/02/2012 08/13/2012	2012-8/85 Not Printed
School and Institutional Trust Lands, Administration	36411	R850-30	5YR	06/27/2012	2012-14/79
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leave benefits					
Human Resource Management, Administration	35827	R477-7	5YR	02/02/2012	2012-5/111

	36123	R477-7	AMD	07/02/2012	2012-10/63
legal aid Corrections, Administration	35756	R251-707	EXT	01/31/2012	2012-4/121
Corrections, Authinistration	36041	R251-707	5YR	04/06/2012	2012-9/78
legislative procedures Public Safety, Driver License	35633	R708-8	5YR	01/09/2012	2012-3/123
<u>libraries</u> Education, Administration	36365	R277-467	5YR	06/15/2012	2012-13/99
Eddodion, / diministration	36366	R277-467	AMD	08/08/2012	2012-13/51
<u>library</u> Community and Culture, Library	36328	R223-1	5YR	06/05/2012	2012-13/98
license Education, Administration	35876	R277-521	REP	04/10/2012	2012-5/26
license plates Tax Commission, Motor Vehicle	35608	R873-22M	5YR	01/03/2012	2012-2/138
licenses Education, Administration	35680	R277-520	AMD	03/12/2012	2012-3/32
	36074	R277-520-6	AMD	06/07/2012	2012-9/43
licensing Commerce, Occupational and Professional Licensing		R156-1	5YR	01/05/2012	2012-3/112
	36077	R156-1	AMD	06/07/2012	2012-9/8
	36282	R156-3a	AMD	07/30/2012	2012-12/12
	36117	R156-9	AMD	06/21/2012	2012-10/17
	35893	R156-16a	5YR	02/21/2012	2012-6/35
	35430	R156-20a	AMD	01/10/2012	2011-23/10
	35892	R156-37	5YR	02/21/2012	2012-6/36
	36089	R156-40a	AMD	06/28/2012	2012-10/22
	36132	R156-47b	5YR	05/01/2012	2012-10/87
	35498	R156-47b-102	AMD	01/26/2012	2011-24/6
	36157	R156-55a-602	AMD	07/09/2012	2012-11/8
	35860 36191	R156-55d R156-55d	5YR NSC	02/07/2012 05/30/2012	2012-5/102 Not Printed
	35735	R156-550 R156-56	5YR	01/31/2012	2012-4/62
	36189	R156-60a	AMD	07/09/2012	2012-4/02
	36228	R156-60d	AMD	07/30/2012	2012-12/17
	36550	R156-60d	NSC	08/08/2012	Not Printed
	36192	R156-63b-102	NSC	05/30/2012	Not Printed
	35736	R156-64	5YR	01/31/2012	2012-4/64
	35389	R156-67-503	AMD	03/09/2012	2011-22/14
	35389	R156-67-503	CPR	03/09/2012	2012-3/86
	35388	R156-68-503	AMD	03/09/2012	2011-22/19
	35388	R156-68-503	CPR	03/09/2012	2012-3/90
	36181	R156-69-302d	AMD	07/09/2012	2012-11/14
	36183 36450	R156-75 R156-75-102	AMD NSC	07/09/2012 07/25/2012	2012-11/15 Not Printed
	35894	R156-76	5YR	02/21/2012	2012-6/37
	35585	R156-83-502	AMD	02/21/2012	2012-2/28
Commerce, Real Estate	36079	R162-2c	AMD	06/07/2012	2012-9/12
Environmental Quality, Radiation Control	35418	R313-36	AMD	01/16/2012	2011-23/54
Governor, Economic Development, Pete Suazo Utah Athletic Commission	36002	R359-1	5YR	03/30/2012	2012-8/74
Human Caminas Invente Links Caminas	36130	R359-1-506	AMD	06/30/2012	2012-10/29
Human Services, Juvenile Justice Services	36136	R547-1	5YR	05/01/2012	2012-10/92
Natural Resources, Wildlife Resources	36140 36003	R547-7 R657-27	5YR 5YR	05/01/2012 04/02/2012	2012-10/93 2012-8/89
ivaturai Nesources, vviidille Nesources	36152	R657-27 R657-30	5YR	05/04/2012	2012-6/69
Public Safety, Driver License	35629	R708-10	EMR	01/07/2012	2012-11/102
. asia saidty, briver Election	36330	R708-10	EMR	06/06/2012	2012-13/95
	36331	R708-10	AMD	08/09/2012	2012-13/75
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Technology Services, Administration	35704 35989	R708-25 R895-3	5YR EXT	01/20/2012 03/29/2012	2012-4/119 2012-8/91
	33909	1095-5	LXI	03/29/2012	2012-0/91
licensure Education, Administration	35673	R277-512	5YR	01/17/2012	2012-3/114
life insurance mortality tables Insurance, Administration	36500	R590-241	5YR	07/16/2012	2012-15/87
<u>life jackets</u> Natural Resources, Parks and Recreation	36241	R651-219-3	AMD	07/23/2012	2012-12/51
<u>Life with Dignity Order</u> Health, Family Health and Preparedness, Licensing	35976	R432-31	5YR	03/28/2012	2012-8/76
<u>lights</u> Public Safety, Highway Patrol	36433	R714-200	5YR	07/02/2012	2012-14/74
limitation on judgments Administrative Services, Risk Management	36289 35844	R37-4 R37-4	5YR AMD	05/30/2012 05/31/2012	2012-12/83 2012-5/4
litigation support Attorney General, Administration	35904	R105-1	NEW	04/24/2012	2012-6/6
<u>litter</u> Transportation, Operations, Maintenance	35669	R918-4	AMD	03/12/2012	2012-3/82
<u>livestock</u> Agriculture and Food, Animal Industry	35866 36144	R58-11 R58-11	AMD NSC	05/15/2012 05/30/2012	2012-5/5 Not Printed
<u>loan guarantees</u> Workforce Services, Housing and Community Development	36486	R990-12	EMR	07/12/2012	2012-15/69
<u>loan origination</u> Commerce, Real Estate	36079	R162-2c	AMD	06/07/2012	2012-9/12
<u>loans</u> Natural Resources, Geological Survey	35685 36597	R638-3 R638-3	EMR NSC	02/01/2012 08/13/2012	2012-3/97 Not Printed
long-term care alternatives Human Services, Aging and Adult Services	36476	R510-400	5YR	07/11/2012	2012-15/85
<u>long-term care ombudsman</u> Human Services, Aging and Adult Services	36478	R510-100	5YR	07/11/2012	2012-15/79
LTCO Human Services, Aging and Adult Services	36474	R510-200	5YR	07/11/2012	2012-15/84
MACT Environmental Quality, Air Quality	35922	R307-214	AMD	06/07/2012	2012-7/42
mammography Health, Family Health and Preparedness, Licensing	35987	R432-950	5YR	03/28/2012	2012-8/82
management Natural Resources, Forestry, Fire and State Lands School and Institutional Trust Lands, Administration	36011 36015 36412	R652-40 R652-90 R850-40	5YR 5YR 5YR	04/02/2012 04/02/2012 06/27/2012	2012-8/86 2012-8/88 2012-14/79
	35542 36655	R850-41 R850-100	NEW 5YR	02/07/2012 08/15/2012	2012-1/44 Not Printed
Marda Dillree Corridor Preservation Fund Transportation, Program Development	36179	R926-6	NSC	05/30/2012	Not Printed

marketing					
Commerce, Consumer Protection	35965	R152-15	5YR	03/22/2012	2012-8/71
massage apprentice					
Commerce, Occupational and Professional Licensing	36132	R156-47b	5YR	05/01/2012	2012-10/87
Commorco, Cocapational and Froncolonial Electroning	35498	R156-47b-102	AMD	01/26/2012	2011-24/6
massage therapist					
Commerce, Occupational and Professional Licensing		R156-47b	5YR	05/01/2012	2012-10/87
	35498	R156-47b-102	AMD	01/26/2012	2011-24/6
massage therapy					
Commerce, Occupational and Professional Licensing	36132	R156-47b	5YR	05/01/2012	2012-10/87
3	35498	R156-47b-102	AMD	01/26/2012	2011-24/6
<u>materials</u>		Da 44-	-1.75	00/01/0010	0010 101100
Education, Administration	36585	R277-115	5YR	08/01/2012	2012-16/189
materials handling					
Natural Resources, Forestry, Fire and State Lands	36016	R652-100	5YR	04/02/2012	2012-8/88
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<u>media</u>					
Corrections, Administration	35760	R251-106	EXD	01/18/2012	2012-4/123
	35767	R251-106	EMR	02/01/2012	2012-4/45
	35805	R251-106	NEW	04/09/2012	2012-5/11
Medicaid					
Health, Health Care Financing	35901	R410-14	AMD	04/27/2012	2012-6/16
Health, Health Care Financing, Coverage and	35907	R414-1	5YR	03/02/2012	2012-7/66
Reimbursement Policy					
	36375	R414-1	AMD	08/10/2012	2012-13/65
	35902	R414-1-2	AMD	04/27/2012	2012-6/21
	35584	R414-1-5	AMD	02/21/2012	2012-2/33
	35994	R414-1-5	AMD	05/24/2012	2012-8/9
	36102	R414-1-29	AMD	07/01/2012	2012-10/33
	36128 35390	R414-1A R414-2A	5YR AMD	04/30/2012 01/11/2012	2012-10/90 2011-22/30
	36107	R414-2A R414-2A	AMD	07/01/2012	2012-10/35
	35719	R414-7C	5YR	01/24/2012	2012-10/33
	36106	R414-9-5	AMD	07/01/2012	2012-10/37
	35720	R414-10	5YR	01/24/2012	2012-4/97
	35722	R414-10A	5YR	01/24/2012	2012-4/97
	35503	R414-14A	AMD	02/01/2012	2011-24/11
	35908	R414-21	5YR	03/02/2012	2012-7/66
	35921	R414-38	5YR	03/07/2012	2012-7/67
	35721	R414-45	5YR	01/24/2012	2012-4/98
	36377	R414-49	AMD	08/10/2012	2012-13/68
	36105 36103	R414-49-3 R414-50	AMD AMD	07/01/2012 07/01/2012	2012-10/38 2012-10/39
	36378	R414-50	AMD	08/10/2012	2012-10/39
	36129	R414-60	5YR	04/30/2012	2012-10/91
	36406	R414-60A	5YR	06/25/2012	2012-14/66
	36559	R414-60B	5YR	07/30/2012	2012-16/196
	35504	R414-61-2	AMD	01/24/2012	2011-24/18
	36184	R414-100	5YR	05/14/2012	2012-11/180
	36185	R414-200	5YR	05/14/2012	2012-11/180
	35437	R414-305	AMD	02/06/2012	2011-23/65
	35441	R414-308	AMD	02/06/2012	2011-23/70
	35790 36309	R414-308 R414-310	AMD 5YR	04/01/2012 06/04/2012	2012-4/14 2012-13/107
	36108	R414-310 R414-401-3	AMD	07/01/2012	2012-13/10/
	35583	R414-401-5	AMD	02/21/2012	2012-10/40
	36186	R414-501-2	AMD	07/18/2012	2012-11/59
	36187	R414-503	R&R	07/18/2012	2012-11/61
	36101	R414-506	AMD	07/01/2012	2012-10/41
	35639	R414-510	5YR	01/09/2012	2012-3/115

Human Services, Recovery Services	35619	R527-201	AMD	03/27/2012	2012-3/70
Medicaid fraud waste abuse Governor, Planning and Budget, Inspector General of	35879	R367-1	NEW	04/23/2012	2012-5/74
Medicaid Services (Office of)	00070	1007 1		04/20/2012	2012 0/14
	35973 35958	R367-1-7 R367-1-15	NSC AMD	04/23/2012 05/23/2012	Not Printed 2012-8/6
medical incinerators					
Environmental Quality, Air Quality	35530 36026	R307-222 R307-222-1	AMD NSC	03/07/2012 04/25/2012	2012-1/22 Not Printed
medical laboratories					
Health, Disease Control and Prevention, Laboratory Improvement	35701	R444-11	5YR	01/20/2012	2012-4/99
medical malpractice	05000	D450 70D	EVD.	00/00/0040	0040 5/400
Commerce, Occupational and Professional Licensing	35820	R156-78B	5YR	02/02/2012	2012-5/102
medication treatment Human Services, Substance Abuse and Mental	35590	R525-3	AMD	02/21/2012	2012-2/96
Health, State Hospital	33390	NJ2J-J	AIVID	02/21/2012	2012-2/90
mental health	05500	D505.0	4145	00/04/0040	0040 04400
Human Services, Substance Abuse and Mental Health, State Hospital	35596	R525-8	AMD	02/21/2012	2012-2/100
mercury Environmental Quality, Air Quality	36033	R307-424	5YR	04/05/2012	2012-9/79
migrant labor Health, Disease Control and Prevention, Environmental Services	35713	R392-501	5YR	01/20/2012	2012-4/96
mineral resources Tax Commission, Auditing	35604	R865-14W	5YR	01/03/2012	2012-2/132
mines					
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	35792	R643-870	5YR	02/01/2012	2012-4/101
	35793	R643-872	5YR	02/01/2012	2012-4/101
	35794 35795	R643-874 R643-875	5YR 5YR	02/01/2012 02/01/2012	2012-4/102 2012-4/102
	35796	R643-877	5YR	02/01/2012	2012-4/103
	35797	R643-879	5YR	02/01/2012	2012-4/104
	35798	R643-882	5YR	02/01/2012	2012-4/104
	35799	R643-884	5YR	02/01/2012	2012-4/105
	35800	R643-886	5YR	02/01/2012	2012-4/105
mining law Natural Resources, Oil, Gas and Mining; Abandoned	35796	R643-877	5YR	02/01/2012	2012-4/103
Mine Reclamation	35797	R643-879	5YR	02/01/2012	2012-4/104
anto and	00.0.			02/01/2012	20.20.
minors Labor Commission, Antidiscrimination and Labor, Labor	35833	R610-3-21	AMD	04/16/2012	2012-5/88
mobile homes Health Disease Central and Provention	25712	D202 402	EVD	04/20/2042	2012 4/05
Health, Disease Control and Prevention, Environmental Services	35712	R392-402	5YR	01/20/2012	2012-4/95
modeling Environmental Quality, Air Quality	36337	R307-410	5YR	06/06/2012	2012-13/103
monitoring					
Education, Administration	35452	R277-481	NEW	01/10/2012	2011-23/34

Environmental Quality, Radiation Control	36277	R313-24	5YR	05/24/2012	2012-12/84
motels Health, Disease Control and Prevention, Environmental Services	36017	R392-502	5YR	04/02/2012	2012-8/75
motor fuel Tax Commission, Auditing	35603	R865-13G	5YR	01/03/2012	2012-2/131
motor vehicle safety Public Safety, Highway Patrol	36442 36433 36441 36435 36437 36438	R714-158 R714-200 R714-210 R714-230 R714-240 R714-300	5YR 5YR 5YR 5YR 5YR 5YR	07/02/2012 07/02/2012 07/02/2012 07/02/2012 07/02/2012 07/02/2012	2012-14/73 2012-14/74 2012-14/74 2012-14/75 2012-14/76 2012-14/76
motor vehicles Commerce, Consumer Protection Environmental Quality, Air Quality	35967 35716 35718 35778 35779	R152-20 R307-121 R307-121-7 R307-301 R307-320	5YR 5YR NSC 5YR	03/22/2012 01/23/2012 02/09/2012 02/01/2012 02/01/2012	2012-8/72 2012-4/81 Not Printed 2012-4/83 2012-4/84
Public Safety, Highway Patrol Tax Commission, Motor Vehicle Tax Commission, Motor Vehicle Enforcement	36439 35608 35609 36062 35512 35513 36063	R714-159 R873-22M R877-23V R877-23V-7 R877-23V-20 R877-23V-21 R877-23V-22	5YR 5YR 5YR AMD AMD AMD AMD	07/02/2012 01/03/2012 01/03/2012 06/14/2012 02/09/2012 02/09/2012 06/14/2012	2012-14/73 2012-2/138 2012-2/140 2012-9/67 2012-1/49 2012-1/50 2012-9/70
motorcycles Commerce, Administration Public Safety, Highway Patrol	36329 36434	R151-35 R714-220	5YR 5YR	06/05/2012 07/02/2012	2012-13/97 2012-14/75
mutual funds Commerce, Securities	36542	R164-15	5YR	07/25/2012	2012-16/187
nail technicians Commerce, Occupational and Professional Licensing	35853	R156-11a	5YR	02/06/2012	2012-5/101
National Senior Service Corps Human Services, Aging and Adult Services	36473	R510-111	5YR	07/11/2012	2012-15/84
Native Americans Human Services, Aging and Adult Services	36471	R510-109	5YR	07/11/2012	2012-15/83
natural resource assessment School and Institutional Trust Lands, Administration	36655	R850-100	5YR	08/15/2012	Not Printed
natural resources Natural Resources, Forestry, Fire and State Lands School and Institutional Trust Lands, Administration	36011 36412 35542	R652-40 R850-40 R850-41	5YR 5YR NEW	04/02/2012 06/27/2012 02/07/2012	2012-8/86 2012-14/79 2012-1/44
NCLB Education, Administration	36205 36452	R277-524 R277-524	AMD NSC	07/09/2012 07/25/2012	2012-11/33 Not Printed
network interconnection Public Service Commission, Administration	35651	R746-348	5YR	01/11/2012	2012-3/126
new source review Environmental Quality, Air Quality	35496	R307-210-1	AMD	03/07/2012	2011-24/7
news agencies Pardons (Board Of), Administration	35742	R671-302	5YR	01/31/2012	2012-4/113

non-profit organizations					
Auditor, Administration	36510	R123-5	5YR	07/18/2012	2012-16/184
non-traditional					
Health, Health Care Financing, Coverage and	36185	R414-200	5YR	05/14/2012	2012-11/180
Reimbursement Policy					
nonattainment					
Environmental Quality, Air Quality	36335	R307-403	5YR	06/06/2012	2012-13/102
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nonpublic schools		D0== 440	-1. (D	00/04/0040	
Education, Administration	36588	R277-410	5YR	08/01/2012	2012-16/191
notification					
Natural Resources, Forestry, Fire and State Lands	35698	R652-140	5YR	01/19/2012	2012-4/108
puraina facility					
nursing facility Health, Health Care Financing, Coverage and	36108	R414-401-3	AMD	07/01/2012	2012-10/40
Reimbursement Policy	00.00		2	0.70202	2012 10/10
	35583	R414-401-5	AMD	02/21/2012	2012-2/36
nursing homes					
Human Services, Aging and Adult Services	36467	R510-103	5YR	07/11/2012	2012-15/81
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nutrition	05007	D077 700	4445	05/00/0040	0040 7/04
Education, Administration	35937 36650	R277-720 R277-720	AMD 5YR	05/08/2012 08/14/2012	2012-7/34 Not Printed
Health, Family Health and Preparedness, WIC	35812	R406-100	5YR	02/02/2012	2012-5/104
Services					
	35813	R406-200	5YR	02/02/2012	2012-5/105
	35814	R406-201	5YR	02/02/2012	2012-5/105
	35815	R406-202	5YR	02/02/2012	2012-5/106
	35816	R406-301	5YR	02/02/2012	2012-5/106
occupational licensing					
Commerce, Occupational and Professional Licensing	35624	R156-1	5YR	01/05/2012	2012-3/112
	36077	R156-1	AMD	06/07/2012	2012-9/8
	36089	R156-40a	AMD	06/28/2012	2012-10/22
	36157	R156-55a-602	AMD	07/09/2012	2012-11/8
	36183	R156-75	AMD	07/09/2012	2012-11/15
Environmental Quality Water Quality	36450	R156-75-102 R317-11	NSC	07/25/2012	Not Printed
Environmental Quality, Water Quality	36135	K317-11	AMD	06/27/2012	2012-10/23
off road vehicles					
Commerce, Administration	36329	R151-35	5YR	06/05/2012	2012-13/97
off-highway vehicles					
Natural Resources, Parks and Recreation	36233	R651-401-1	AMD	07/23/2012	2012-12/54
	36232	R651-406-1	AMD	07/23/2012	2012-12/55
	36230	R651-407-1	AMD	07/23/2012	2012-12/56
off-premises					
Human Services, Substance Abuse and Mental	35625	R523-24	AMD	03/09/2012	2012-3/67
Health					
offenders Corrections Administration	36312	D251 401	EVD	06/05/2012	2012 12/00
Corrections, Administration	30312	R251-401	5YR	00/05/2012	2012-13/99
office hours					
Public Service Commission, Administration	35506	R746-800	REP	02/07/2012	2012-1/43
offset					
<u>οπseτ</u> Environmental Quality, Air Quality	36335	R307-403	5YR	06/06/2012	2012-13/102
	36341	R307-403	5YR	06/06/2012	2012-13/102
	36342	R307-421	5YR	06/06/2012	2012-13/106

oil and gas conservation Natural Resources, Oil, Gas and Mining; Oil and Gas	35848	R649-8	5YR	02/03/2012	2012-5/123
oil and gas law Natural Resources, Oil, Gas and Mining; Oil and Gas	35843 35871 35845 35846 36177 35847 35849	R649-1 R649-1 R649-2 R649-3 R649-3-1 R649-5 R649-9	5YR NSC 5YR 5YR NSC 5YR 5YR	02/03/2012 02/29/2012 02/03/2012 02/03/2012 05/30/2012 02/03/2012 02/03/2012	2012-5/121 Not Printed 2012-5/121 2012-5/122 Not Printed 2012-5/122 2012-5/123
oil gas and hydrocarbons School and Institutional Trust Lands, Administration	36279	R850-21-300	AMD	07/23/2012	2012-12/71
Older Americans Act Human Services, Aging and Adult Services	36477	R510-1	5YR	07/11/2012	2012-15/79
Olene Walker Housing Loan Fund Workforce Services, Administration	36213 36520	R982-501 R982-501	NEW NSC	07/09/2012 07/31/2012	2012-11/138 Not Printed
ombudsman Human Services, Aging and Adult Services	36474	R510-200	5YR	07/11/2012	2012-15/84
on-premise Human Services, Substance Abuse and Mental Health	36384	R523-23	5YR	06/18/2012	2012-14/67
	35626	R523-23-4	AMD	03/09/2012	2012-3/66
online Education, Administration	35673	R277-512	5YR	01/17/2012	2012-3/114
online prescribing Commerce, Occupational and Professional Licensing	35585	R156-83-502	AMD	02/21/2012	2012-2/28
online testing Education, Administration	36364	R277-408	NEW	08/08/2012	2012-13/49
onsite professional Environmental Quality, Water Quality	36135	R317-11	AMD	06/27/2012	2012-10/23
open burning Environmental Quality, Air Quality	35923 35923	R307-202 R307-202	R&R CPR	07/31/2012 07/31/2012	2012-7/38 2012-13/91
open government Education, Administration	36581	R277-101	5YR	08/01/2012	2012-16/188
open meetings Examiners (Board of), Administration	35497	R320-101	NEW	02/10/2012	2011-24/10
opening and closing dates Community and Culture, Home Energy Assistance Target (HEAT)	36293	R195-2	EXT	05/31/2012	2012-12/95
Workforce Services, Administration	36194 36513	R982-402 R982-402	NEW NSC	07/09/2012 07/31/2012	2012-11/127 Not Printed
operating permit Environmental Quality, Air Quality	36340	R307-417	5YR	06/06/2012	2012-13/105
operating permits Environmental Quality, Air Quality	36339 35529	R307-415 R307-415-2	5YR AMD	06/06/2012 03/07/2012	2012-13/104 2012-1/25
operations School and Institutional Trust Lands, Administration	36279	R850-21-300	AMD	07/23/2012	2012-12/71

operator certification Environmental Quality, Water Quality	36457	R317-10	5YR	07/11/2012	2012-15/78
optometrists Commerce, Occupational and Professional Licensing	35893	R156-16a	5YR	02/21/2012	2012-6/35
order to proceed Public Service Commission, Administration	36166 36167	R746-420 R746-430	5YR 5YR	05/10/2012 05/10/2012	2012-11/183 2012-11/184
osteopathic physician Commerce, Occupational and Professional Licensing	35388 35388	R156-68-503 R156-68-503	AMD CPR	03/09/2012 03/09/2012	2011-22/19 2012-3/90
osteopaths Commerce, Occupational and Professional Licensing	35388 35388	R156-68-503 R156-68-503	AMD CPR	03/09/2012 03/09/2012	2011-22/19 2012-3/90
outside counsel Attorney General, Administration	35904	R105-1	NEW	04/24/2012	2012-6/6
overpayments Workforce Services, Unemployment Insurance	36257	R994-406	5YR	05/22/2012	2012-12/92
oversight Education, Administration	35452	R277-481	NEW	01/10/2012	2011-23/34
overtime Human Resource Management, Administration	35828 36124	R477-8 R477-8	5YR AMD	02/02/2012 07/02/2012	2012-5/112 2012-10/71
ozone Environmental Quality, Air Quality	35774 35780 35781 35782 35783 35784 35785 35787 36341	R307-110 R307-325 R307-326 R307-327 R307-328 R307-335 R307-340 R307-343 R307-420	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	02/01/2012 02/01/2012 02/01/2012 02/01/2012 02/01/2012 02/01/2012 02/01/2012 02/01/2012 02/01/2012 06/06/2012	2012-4/65 2012-4/84 2012-4/85 2012-4/86 2012-4/86 2012-4/87 2012-4/87 2012-4/89 2012-13/106
<u>paint</u> Environmental Quality, Air Quality	35857 36161 35858 36162 35859 36163	R307-840 R307-840-1 R307-841 R307-841 R307-842 R307-842	AMD NSC AMD NSC AMD NSC	05/03/2012 05/30/2012 05/03/2012 05/03/2012 05/03/2012 05/30/2012	2012-5/33 Not Printed 2012-5/39 Not Printed 2012-5/47 Not Printed
<u>parades</u> Transportation, Operations, Traffic and Safety	36612	R920-4	5YR	08/01/2012	2012-16/200
paraprofessional qualifications Education, Administration	36452	R277-524	NSC	07/25/2012	Not Printed
<u>pardons</u> Pardons (Board Of), Administration	35730 35750	R671-101 R671-315	5YR 5YR	01/26/2012 01/31/2012	2012-4/108 2012-4/116
parental defense Administrative Services, Child Welfare Parental Defense (Office of)	35205 35206	R19-1-6 R19-1-7	AMD AMD	01/12/2012 01/12/2012	2011-18/6 2011-18/7

parking facilities Regents (Board Of), University of Utah, Commuter Services	35888	R810-2	5YR	02/17/2012	2012-6/38
CG. NOCC	35889 35882	R810-5 R810-6	5YR 5YR	02/17/2012 02/16/2012	2012-6/39 2012-6/39
	35883	R810-9	5YR	02/17/2012	2012-6/40
	35884	R810-10	5YR	02/17/2012	2012-6/40
	35890	R810-11	5YR	02/17/2012	2012-6/41
parks					
Natural Resources, Parks and Recreation	36237	R651-201-7	AMD	07/23/2012	2012-12/42
	36242	R651-205-2	AMD	07/23/2012	2012-12/43
	36234 36238	R651-205-15 R651-206-1	AMD AMD	07/23/2012 07/23/2012	2012-12/44 2012-12/45
	36243	R651-206-3	AMD	07/23/2012	2012-12/46
	36239	R651-206-4	AMD	07/23/2012	2012-12/50
	36241	R651-219-3	AMD	07/23/2012	2012-12/51
	36229	R651-612	REP	07/23/2012	2012-12/57
parole			_,		
Human Services, Juvenile Justice Services	36226 35732	R547-6 R671-201	5YR 5YR	05/16/2012 01/26/2012	2012-12/85 2012-4/109
Pardons (Board Of), Administration	35737	R671-201 R671-202	5YR	01/20/2012	2012-4/110
	35739	R671-205	5YR	01/31/2012	2012-4/111
	35741	R671-301	5YR	01/31/2012	2012-4/112
	35743	R671-303	5YR	01/31/2012	2012-4/113
	35746 35747	R671-308 R671-309	5YR 5YR	01/31/2012 01/31/2012	2012-4/114 2012-4/115
	35748	R671-310	5YR	01/31/2012	2012-4/115
	35749	R671-311	5YR	01/31/2012	2012-4/116
	35751	R671-316	5YR	01/31/2012	2012-4/117
	35752 36549	R671-402 R671-403	5YR 5YR	01/31/2012 07/27/2012	2012-4/117 2012-16/198
	35753	R671-405	5YR	01/31/2012	2012-4/118
nationt rights					
patient rights Human Services, Substance Abuse and Mental Health, State Hospital	35589	R525-2	AMD	02/21/2012	2012-2/95
paying standards					
Public Service Commission, Administration	35509	R746-342	REP	02/07/2012	2012-1/40
nayment determination					
payment determination Community and Culture, Home Energy Assistance	36294	R195-3	EXT	05/31/2012	2012-12/95
Target (HEAT)					
W 16 0 1 Al 111 "	35405	R195-3-3	AMD	03/26/2012	2011-23/16
Workforce Services, Administration	36196 36514	R982-403 R982-403	NEW NSC	07/09/2012 07/31/2012	2012-11/130 Not Printed
	30314	1002-400	1400	07/31/2012	Not i illited
peace officer basic course	00004	D700 404	505	00/00/0040	0040 40/04
Public Safety, Peace Officer Standards and Training	36291	R728-401	R&R	08/06/2012	2012-12/64
peace officer certification					
Public Safety, Peace Officer Standards and Training	36291	R728-401	R&R	08/06/2012	2012-12/64
pedestrians					
Transportation, Operations, Traffic and Safety	36614	R920-5	EXT	08/01/2012	2012-16/203
peer assistance					
Education, Administration	36374	R277-618	NEW	08/08/2012	2012-13/63
penalties					
Environmental Quality, Air Quality	35776	R307-130	5YR	02/01/2012	2012-4/82
Environmental Quality, Environmental Response and	36052	R311-208	5YR	04/10/2012	2012-9/88
Remediation					

per diem allowances					
Administrative Services, Finance	36112	R25-7	AMD	07/01/2012	2012-10/4
performance measurement					
Health, Center for Health Data, Health Care Statistics	36110	R428-12	AMD	07/02/2012	2012-10/43
novforming orto					
performing arts Community and Culture, Arts and Museums	35723	R207-1	5YR	01/24/2012	2012-4/64
community and culture, rate and museume	00.20		• • • • • • • • • • • • • • • • • • • •	0	
permits		5005 101	T) (D)	00/00/00/0	
Environmental Quality, Air Quality	36334 36154	R307-401 R307-401-11	5YR NSC	06/06/2012 05/30/2012	2012-13/101 Not Printed
	36336	R307-406	5YR	06/06/2012	2012-13/102
Natural Resources, Forestry, Fire and State Lands	36014	R652-70	5YR	04/02/2012	2012-8/87
	36016	R652-100	5YR	04/02/2012	2012-8/88
Natural Resources, Wildlife Resources	35435	R657-42	AMD	01/10/2012	2011-23/76
	36004 35436	R657-50 R657-62	5YR AMD	04/02/2012 01/10/2012	2012-8/89 2011-23/85
	36159	R657-62	AMD	07/09/2012	2012-11/86
permitting authority	00040	D007.447	E) (D	00/00/0040	0040 40/405
Environmental Quality, Air Quality	36340	R307-417	5YR	06/06/2012	2012-13/105
persistently dangerous schools					
Education, Administration	36071	R277-483-4	AMD	06/07/2012	2012-9/36
and the second s					
personal property Tax Commission, Property Tax	35592	R884-24P	5YR	01/03/2012	2012-2/141
rax commission, r roperty rax	35514	R884-24P-62	AMD	02/09/2012	2012-1/51
	35864	R884-24P-66	AMD	04/12/2012	2012-5/96
	36174	R884-24P-66	AMD	07/26/2012	2012-11/121
	36064	R884-24P-68	AMD	06/14/2012	2012-9/71
personnel management					
Human Resource Management, Administration	35821	R477-1	5YR	02/02/2012	2012-5/107
•	36118	R477-1	AMD	07/02/2012	2012-10/47
	35825	R477-5	5YR	02/02/2012	2012-5/109
	35826 36211	R477-6 R477-6	5YR AMD	02/02/2012	2012-5/110 2012-11/68
	35880	R477-6 R477-6-5	AMD	07/10/2012 07/10/2012	2012-11/66
	35829	R477-9	5YR	02/02/2012	2012-5/112
	36125	R477-9	AMD	07/02/2012	2012-10/76
	35834	R477-13	5YR	02/03/2012	2012-5/115
	36127	R477-13	AMD	07/02/2012	2012-10/81
pesticides					
Environmental Quality, Water Quality	35238	R317-8	AMD	01/25/2012	2011-19/31
petroleum Environmental Quality, Air Quality	35778	R307-301	5YR	02/01/2012	2012-4/83
Environmental Quality, All Quality	35782	R307-301	5YR	02/01/2012	2012-4/86
Environmental Quality, Environmental Response and	35668	R311-200	AMD	03/09/2012	2012-3/42
Remediation					
	36057 36046	R311-200 R311-202	5YR 5YR	04/10/2012 04/10/2012	2012-9/82 2012-9/84
	36047	R311-202	5YR	04/10/2012	2012-9/84
	36048	R311-204	5YR	04/10/2012	2012-9/85
	36049	R311-205	5YR	04/10/2012	2012-9/86
	36050	R311-206	5YR	04/10/2012	2012-9/86
	36051	R311-207	5YR	04/10/2012	2012-9/87
	36052	R311-208	5YR	04/10/2012	2012-9/88
	36053 36055	R311-209 R311-211	5YR 5YR	04/10/2012 04/10/2012	2012-9/89 2012-9/90
	36056	R311-212	5YR	04/10/2012	2012-9/90
Tax Commission, Auditing	35605	R865-15O	5YR	01/03/2012	2012-2/133

petroleum hydrocarbons Environmental Quality, Water Quality	36544	R317-6	5YR	07/26/2012	2012-16/192
petroleum industries Tax Commission, Auditing	35605	R865-15O	5YR	01/03/2012	2012-2/133
physical and mental fitness testing Public Safety, Driver License	35854	R708-39	5YR	02/06/2012	2012-5/124
physical examinations Public Safety, Driver License	35704	R708-25	5YR	01/20/2012	2012-4/119
physically handicapped Public Service Commission, Administration	36029	R746-343-4	AMD	06/20/2012	2012-9/64
physicians Commerce, Occupational and Professional Licensing		R156-67-503	AMD	03/09/2012	2011-22/14
Public Safety, Driver License	35389 35632	R156-67-503 R708-7	CPR 5YR	03/09/2012 01/09/2012	2012-3/86 2012-3/122
<u>plots</u> Community and Culture, History	36301 36305	R212-12 R212-12	5YR NSC	05/31/2012 06/29/2012	2012-12/84 Not Printed
PM10 Environmental Quality, Air Quality	35774 36342	R307-110 R307-421	5YR 5YR	02/01/2012 06/06/2012	2012-4/65 2012-13/106
PM2.5 Environmental Quality, Air Quality	35774 36342	R307-110 R307-421	5YR 5YR	02/01/2012 06/06/2012	2012-4/65 2012-13/106
point-system Public Safety, Driver License	35636	R708-3	5YR	01/09/2012	2012-3/121
police dog training rules Public Safety, Peace Officer Standards and Training	36245	R728-505	5YR	05/17/2012	2012-12/90
police training Public Safety, Peace Officer Standards and Training	35627	R728-411	5YR	01/06/2012	2012-3/125
policy Capitol Preservation Board (State), Administration	35686	R131-9	R&R	03/09/2012	2012-3/13
political subdivisions Natural Resources, Geological Survey	35685	R638-3	EMR	02/01/2012	2012-3/97
POLST Health, Family Health and Preparedness, Licensing	35976	R432-31	5YR	03/28/2012	2012-8/76
pools Health, Disease Control and Prevention, Environmental Services	35707	R392-302	5YR	01/20/2012	2012-4/93
population Human Services, Aging and Adult Services	36471	R510-109	5YR	07/11/2012	2012-15/83
position classifications Human Resource Management, Administration	35823 36120	R477-3 R477-3	5YR AMD	02/02/2012 07/02/2012	2012-5/108 2012-10/54
post-conviction Administrative Services, Finance	35663	R25-14	5YR	01/12/2012	2012-3/105
posting notices Capitol Preservation Board (State), Administration	35687	R131-10	5YR	01/17/2012	2012-3/111

postsecondary proprietary schools					
Commerce, Consumer Protection	36360	R152-34	5YR	06/14/2012	2012-13/98
poultry					
Agriculture and Food, Animal Industry	35866	R58-11	AMD	05/15/2012	2012-5/5
	36144	R58-11	NSC	05/30/2012	Not Printed
powersport vehicles					
Commerce, Administration	36329	R151-35	5YR	06/05/2012	2012-13/97
<u>predators</u> Natural Resources, Wildlife Resources	36363	R657-64	NEW	08/07/2012	2012-13/72
Natural Resources, Wildlife Resources	36545	R657-64	NSC	08/08/2012	Not Printed
	30343	N037-04	NSC	00/00/2012	Not Fillited
preferred provider organization					
Health, Center for Health Data, Health Care Statistics	36110	R428-12	AMD	07/02/2012	2012-10/43
prolitication					
prelitigation Commerce, Occupational and Professional Licensing	35820	R156-78B	5YR	02/02/2012	2012-5/102
Commerce, Occupational and Froicessional Electising	33020	100-70D	3110	02/02/2012	2012-3/102
preneed funeral arrangements					
Commerce, Occupational and Professional Licensing	36117	R156-9	AMD	06/21/2012	2012-10/17

press Corrections, Administration	35760	R251-106	EXD	01/18/2012	2012-4/123
Corrections, Administration	35767	R251-106	EMR	02/01/2012	2012-4/45
	35805	R251-106	NEW	04/09/2012	2012-5/11
	00000	11201 100	14277	04/00/2012	2012 0/11
pricing flexibility					
Public Service Commission, Administration	35917	R746-351	5YR	03/06/2012	2012-7/72
primary care Health Health Care Financing, Coverage and	26200	D414 210	5YR	06/04/2012	2012-13/107
Health, Health Care Financing, Coverage and Reimbursement Policy	36309	R414-310	JIK	06/04/2012	2012-13/10/
Reinbursement Folicy					
primary care network					
Health, Health Care Financing, Coverage and	36184	R414-100	5YR	05/14/2012	2012-11/180
Reimbursement Policy					
primary term Natural Resources, Forestry, Fire and State Lands	36009	R652-20	5YR	04/02/2012	2012-8/85
Natural Resources, Polestry, Fire and State Lands	30009	R032-20	SIK	04/02/2012	2012-0/00
printing					
Transportation, Administration	35670	R907-60	REP	03/12/2012	2012-3/80
prison release	25720	D074 00F	EVD.	04/04/0040	0040 4/444
Pardons (Board Of), Administration	35739	R671-205	5YR	01/31/2012	2012-4/111
prisons					
Corrections, Administration	35760	R251-106	EXD	01/18/2012	2012-4/123
•	35767	R251-106	EMR	02/01/2012	2012-4/45
	35805	R251-106	NEW	04/09/2012	2012-5/11
	35761	R251-107	EXD	01/18/2012	2012-4/123
	35768	R251-107	EMR	02/01/2012	2012-4/47
	35806	R251-107	NEW	04/09/2012	2012-5/13
	35763	R251-703	EXD	01/18/2012	2012-4/124
	35770	R251-703	EMR	02/01/2012	2012-4/51
	35808	R251-703	NEW	04/09/2012	2012-5/17
	35765	R251-705	EXD	01/18/2012	2012-4/124
	35772 35810	R251-705	EMR NEW	02/01/2012	2012-4/53
	35810 35766	R251-705 R251-706	NEW EXD	04/09/2012 01/18/2012	2012-5/19 2012-4/124
	35773	R251-706 R251-706	EMR	02/01/2012	2012-4/124
	35811	R251-706	NEW	04/09/2012	2012-5/22
	35756	R251-707	EXT	01/31/2012	2012-4/121
	36041	R251-707	5YR	04/06/2012	2012-9/78
	35757	R251-710	EXT	01/31/2012	2012-4/121

	36042	R251-710	5YR	04/06/2012	2012-9/78
private schools Education, Administration	35536	R277-426	AMD	02/07/2012	2012-1/13
procurement Administrative Services, Facilities Construction and	36145	R23-1	5YR	05/03/2012	2012-11/177
Management	36020 36020	R23-1-40 R23-1-40	AMD CPR	08/07/2012 08/07/2012	2012-8/4 2012-13/88
Administrative Services, Purchasing and General Services	36428	R33-5	5YR	07/02/2012	2012-14/63
professional competency Education, Administration	36643 36644 36645 35679 36646 35941	R277-502 R277-505 R277-506 R277-513 R277-514 R277-519	5YR 5YR 5YR REP 5YR 5YR	08/14/2012 08/14/2012 08/14/2012 08/14/2012 03/12/2012 08/14/2012 03/15/2012	Not Printed Not Printed Not Printed 2012-3/30 Not Printed 2012-7/64
Public Safety, Peace Officer Standards and Training	35627	R728-411	5YR	01/06/2012	2012-3/125
professional education Education, Administration	35940	R277-507	5YR	03/15/2012	2012-7/64
professional engineers Commerce, Occupational and Professional Licensing	36090 36405	R156-22 R156-22	AMD 5YR	06/21/2012 06/25/2012	2012-10/19 2012-14/64
professional geologists Commerce, Occupational and Professional Licensing	35894	R156-76	5YR	02/21/2012	2012-6/37
professional land surveyors Commerce, Occupational and Professional Licensing	36090 36405	R156-22 R156-22	AMD 5YR	06/21/2012 06/25/2012	2012-10/19 2012-14/64
professional learning Education, Administration	36203	R277-500	AMD	07/09/2012	2012-11/23
<u>professional qualifications</u> Education, Administration	36205	R277-524	AMD	07/09/2012	2012-11/33
professional staff Education, Administration	36072	R277-486	AMD	06/07/2012	2012-9/37
<u>professional structural engineers</u> Commerce, Occupational and Professional Licensing	36090 36405	R156-22 R156-22	AMD 5YR	06/21/2012 06/25/2012	2012-10/19 2012-14/64
program Capitol Preservation Board (State), Administration	35686	R131-9	R&R	03/09/2012	2012-3/13
prohibited devices Human Services, Juvenile Justice Services	36043	R547-14	5YR	04/09/2012	2012-9/93
prohibited items Human Services, Juvenile Justice Services	36043	R547-14	5YR	04/09/2012	2012-9/93
prohibited items and devices Human Services, Juvenile Justice Services Human Services, Substance Abuse and Mental Health, State Hospital	36136 35593	R547-1 R525-6	5YR AMD	05/01/2012 02/21/2012	2012-10/92 2012-2/98
promotions Agriculture and Food, Marketing and Development	36489 36488 36490	R65-2 R65-5 R65-11	5YR 5YR 5YR	07/12/2012 07/12/2012 07/12/2012	2012-15/73 2012-15/73 2012-15/74

property casualty insurance		D-00.00.		0=11010010	001011100
Insurance, Administration	36222	R590-264	NEW	07/13/2012	2012-11/83
property claims					
Treasurer, Unclaimed Property	36504	R966-1	5YR	07/18/2012	2012-16/201
readurer, Oriolamica i Toporty	00004	11000 1	OTT	0771072012	2012 10/201
property tax					
Tax Commission, Property Tax	35592	R884-24P	5YR	01/03/2012	2012-2/141
	35514	R884-24P-62	AMD	02/09/2012	2012-1/51
	35864	R884-24P-66	AMD	04/12/2012	2012-5/96
	36174	R884-24P-66	AMD	07/26/2012	2012-11/121
	36064	R884-24P-68	AMD	06/14/2012	2012-9/71
PSD					
Environmental Quality, Air Quality	35413	R307-405	AMD	02/02/2012	2011-23/42
Liviloninental Quality, All Quality	35872	R307-405	NSC	02/29/2012	Not Printed
	33072	1007-405-5	NOC	02/23/2012	Not i filited
public assistance					
Public Service Commission, Administration	36029	R746-343-4	AMD	06/20/2012	2012-9/64
Workforce Services, Employment Development	35993	R986-900-902	AMD	07/01/2012	2012-8/67
	36300	R986-900-902	AMD	07/25/2012	2012-12/75
public assistance programs					
Health, Health Care Financing, Coverage and	35441	R414-308	AMD	02/06/2012	2011-23/70
Reimbursement Policy	05700	D444 000	AMD	04/04/0040	0040 4/44
Lluman Caminas Dassuami Caminas	35790	R414-308	AMD	04/01/2012	2012-4/14
Human Services, Recovery Services	36351	R527-330	5YR	06/12/2012	2012-13/111
public buildings					
Administrative Services, Facilities Construction and	36145	R23-1	5YR	05/03/2012	2012-11/177
Management	00110	1120 1	0111	00/00/2012	2012 11/11/
Management	36020	R23-1-40	AMD	08/07/2012	2012-8/4
	36020	R23-1-40	CPR	08/07/2012	2012-13/88
	36146	R23-19	5YR	05/03/2012	2012-11/177
Capitol Preservation Board (State), Administration	35899	R131-3	EXT	02/29/2012	2012-6/43
	36359	R131-3	5YR	06/13/2012	2012-13/97
Public Safety, Fire Marshal	36278	R710-4	5YR	05/24/2012	2012-12/89
	36022	R710-4-3	AMD	05/22/2012	2012-8/60
public education	00000	D077 407 0	AMD	07/00/0040	0040 44/47
Education, Administration	36200 35681	R277-437-3	AMD	07/09/2012	2012-11/17 2012-3/36
Money Management Council, Administration	36453	R277-714 R628-2	AMD 5YR	03/12/2012 07/10/2012	2012-3/36
Money Management Council, Administration	30433	11020-2	JIK	07/10/2012	2012-13/01
public fueling					
Administrative Services, Fleet Operations	35727	R27-9	NEW	03/26/2012	2012-4/6
,					
public health					
Health, Disease Control and Prevention,	35715	R392-100	5YR	01/20/2012	2012-4/91
Environmental Services					
	35445	R392-100	AMD	01/26/2012	2011-23/62
	35710	R392-200	5YR	01/20/2012	2012-4/91
	35709	R392-300	5YR	01/20/2012	2012-4/92
	35708 35711	R392-301 R392-400	5YR 5YR	01/20/2012 01/20/2012	2012-4/93 2012-4/94
	35711 35714	R392-400 R392-401	5YR 5YR	01/20/2012	2012-4/94 2012-4/94
	35714 35712	R392-401 R392-402	5YR	01/20/2012	2012-4/95
	35713	R392-501	5YR	01/20/2012	2012-4/96
	36017	R392-502	5YR	04/02/2012	2012-8/75
	36019	R392-510	5YR	04/02/2012	2012-8/75
public health emergency					
Health, Administration	35571	R380-60	NEW	03/07/2012	2012-2/31
public information	00005	D40.0 :	4445	00/07/00/0	0040 1010
Administrative Services, Administration	36285	R13-2-4	AMD	08/07/2012	2012-12/8

Human Resource Management, Administration	35822	R477-2	5YR	02/02/2012	2012-5/108
Transactive and the region of	36119	R477-2	AMD	07/02/2012	2012-10/51
public investments					
Money Management Council, Administration	36453	R628-2	5YR	07/10/2012	2012-15/87
•	35640	R628-17	5YR	01/09/2012	2012-3/121
public meetings					
Examiners (Board of), Administration	35497	R320-101	NEW	02/10/2012	2011-24/10
Natural Resources, Forestry, Fire and State Lands	36015	R652-90	5YR	04/02/2012	2012-8/88
LP CC					
public petitions	00440	D050.0	NOO	07/05/0040	N (D) ()
School and Institutional Trust Lands, Administration	36446	R850-8	NSC	07/25/2012	Not Printed
public records					
Environmental Quality, Administration	35928	R305-1	5YR	03/13/2012	2012-7/65
Health, Administration	36025	R380-20	5YR	04/03/2012	2012-9/92
Natural Resources, Forestry, Fire and State Lands	36018	R652-6	5YR	04/02/2012	2012-8/84
Natural Resources, Oil, Gas and Mining;	35791	R642-100	5YR	02/01/2012	2012-4/100
Administration					
Natural Resources, Parks and Recreation	36060	R651-102	5YR	04/11/2012	2012-9/98
Natural Resources, Wildlife Resources	36131	R657-29	5YR	05/01/2012	2012-10/95
Regents (Board Of), College of Eastern Utah	36391	R767-1	EXT	06/18/2012	2012-14/83
School and Institutional Trust Lands, Administration	36410	R850-6	5YR	06/27/2012	2012-14/78
Transportation, Administration	35672	R907-69	NEW	03/12/2012	2012-3/81
<u>public schools</u> Education, Administration	20502	D077 400	EVD.	00/04/0040	2042 40/400
Education, Administration	36582 36588	R277-103 R277-410	5YR 5YR	08/01/2012 08/01/2012	2012-16/188 2012-16/191
	35819	R277-915	5YR	02/02/2012	2012-10/191
	35683	R277-915	AMD	03/12/2012	2012-3/104
	35938	R277-916	AMD	05/08/2012	2012-7/35
	00000	11277 010	7 11112	00/00/2012	2012 1700
public utilities					
Public Service Commission, Administration	35508	R746-100	AMD	02/07/2012	2012-1/30
	35900	R746-100	AMD	05/07/2012	2012-6/24
	36195	R746-100	AMD	07/09/2012	2012-11/94
	35505	R746-310-1	AMD	02/07/2012	2012-1/38
	35925	R746-310-2	NSC	03/22/2012	Not Printed
	35926	R746-320	NSC	03/22/2012	Not Printed
	35509	R746-342	REP	02/07/2012	2012-1/40
	35916 35917	R746-349	5YR	03/06/2012	2012-7/71
	35927	R746-351 R746-365	5YR NSC	03/06/2012 03/22/2012	2012-7/72 Not Printed
	36358	R746-400	5YR	06/13/2012	2012-13/114
	35507	R746-405-2	AMD	02/07/2012	2012-13/114
	35896	R746-405-2	AMD	05/07/2012	2012-6/31
	36208	R746-405-2	AMD	07/09/2012	2012-11/102
<u>QEFAF</u>					
Workforce Services, Housing and Community	36220	R990-101	NEW	07/09/2012	2012-11/156
Development					
	36526	R990-101	NSC	07/31/2012	Not Printed
Qualified Emergency Food Agencies Fund					
Qualified Emergency Food Agencies Fund Workforce Services, Housing and Community	36220	R990-101	NEW	07/09/2012	2012-11/156
Development	30220	K990-101	INEVV	07/09/2012	2012-11/130
Development	36526	R990-101	NSC	07/31/2012	Not Printed
	00020	11000 101	1100	0170172012	110t i iiitod
quarantine					
Health, Disease Control and Prevention,	36247	R386-702	AMD	08/08/2012	2012-12/29
	30247				
Epidemiology	30247				
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rabies					
rabies Health, Disease Control and Prevention,	36247	R386-702	AMD	08/08/2012	2012-12/29
rabies		R386-702	AMD	08/08/2012	2012-12/29

races					
Transportation, Operations, Traffic and Safety	36612	R920-4	5YR	08/01/2012	2012-16/200
RACT					
Environmental Quality, Air Quality	35780	R307-325	5YR	02/01/2012	2012-4/84
radioactive materials					
Environmental Quality, Radiation Control	35417	R313-22-75	AMD	01/16/2012	2011-23/51
Environmental addity, radiation control	35418	R313-36	AMD	01/16/2012	2011-23/54
<u>railroads</u>					
Transportation, Operations, Traffic and Safety	36618	R920-51	5YR	08/01/2012	2012-16/201
mally.					
rally Administrative Services, Facilities Construction and	36148	R23-20	5YR	05/03/2012	2012-11/178
Management	30140	N23-20	JIK	03/03/2012	2012-11/1/0
Managomont					
range management					
Natural Resources, Forestry, Fire and State Lands	36012	R652-50	5YR	04/02/2012	2012-8/86
School and Institutional Trust Lands, Administration	36413	R850-50	5YR	06/27/2012	2012-14/80
rates Natural Resources, Forestry, Fire and State Lands	36007	R652-4	5YR	04/02/2012	2012 0/02
Public Service Commission, Administration	36029	R746-343-4	AMD	04/02/2012 06/20/2012	2012-8/83 2012-9/64
School and Institutional Trust Lands. Administration	36408	R850-4	5YR	06/27/2012	2012-9/04
Workforce Services, Unemployment Insurance	36093	R994-303	5YR	04/25/2012	2012-10/97
raw milk					
Agriculture and Food, Regulatory Services	36465	R70-330	EMR	07/11/2012	2012-15/65
reading	05075	D077 470	DED	02/42/2042	2042 2/22
Education, Administration	35675	R277-476	REP	03/12/2012	2012-3/22
reception center licenses					
Alcoholic Beverage Control, Administration	36113	R81-4F-7	AMD	07/01/2012	2012-10/9
	36115	R81-4F-13	AMD	07/01/2012	2012-10/10
<u>reclamation</u>					
Natural Resources, Oil, Gas and Mining; Abandoned	35792	R643-870	5YR	02/01/2012	2012-4/101
Mine Reclamation	35793	DC42 070	EVD	02/01/2012	2012-4/101
	35793 35794	R643-872 R643-874	5YR 5YR	02/01/2012	2012-4/101
	35795	R643-875	5YR	02/01/2012	2012-4/102
	35796	R643-877	5YR	02/01/2012	2012-4/103
	35797	R643-879	5YR	02/01/2012	2012-4/104
	35798	R643-882	5YR	02/01/2012	2012-4/104
	35799	R643-884	5YR	02/01/2012	2012-4/105
Natural December 21 Control 14 1 2 2	35800	R643-886	5YR	02/01/2012	2012-4/105
Natural Resources, Oil, Gas and Mining; Coal	35801	R645-100	5YR	02/01/2012	2012-4/106
	35995 35802	R645-100-200 R645-103	AMD 5YR	05/23/2012 02/01/2012	2012-8/18 2012-4/106
	35803	R645-200	5YR	02/01/2012	2012-4/107
	35804	R645-201	5YR	02/01/2012	2012-4/107
	35836	R645-202	5YR	02/03/2012	2012-5/117
	35837	R645-203	5YR	02/03/2012	2012-5/117
	35838	R645-300	5YR	02/03/2012	2012-5/118
	35996	R645-300-100	AMD	05/23/2012	2012-8/31
	35839 35007	R645-301 R645-301-100	5YR	02/03/2012 05/23/2012	2012-5/118
	35997 36151	R645-301-100	AMD NSC	05/30/2012	2012-8/39 Not Printed
	35840	R645-302	5YR	02/03/2012	2012-5/119
	35998	R645-302-200	AMD	05/23/2012	2012-8/43
	35841	R645-303	5YR	02/03/2012	2012-5/120
	35999	R645-303-300	AMD	05/23/2012	2012-8/52
	36000	R645-400-300	AMD	05/23/2012	2012-8/54
	35842	R645-402	5YR	02/03/2012	2012-5/120
	36001	R645-403	NEW	05/23/2012	2012-8/58

reconsiderations Career Service Review Office, Administration	35559	R137-1-21	AMD	02/21/2012	2012-2/26
record requests Human Services, Recovery Services	35631	R527-5	5YR	01/06/2012	2012-3/116
recordkeeping Commerce, Securities	36461	R164-5	5YR	07/11/2012	2012-15/76
records					
Pardons (Board Of), Administration Workforce Services, Administration	35743 36355	R671-303 R982-201	5YR 5YR	01/31/2012 06/12/2012	2012-4/113 2012-13/115
records access Regents (Board Of), College of Eastern Utah Transportation, Administration	36391 35672	R767-1 R907-69	EXT NEW	06/18/2012 03/12/2012	2012-14/83 2012-3/81
records fees Human Services, Recovery Services	35631	R527-5	5YR	01/06/2012	2012-3/116
recreation					
Natural Resources, Parks and Recreation Natural Resources, Wildlife Resources	36225 35211	R651-301 R657-38	5YR AMD	05/16/2012 01/10/2012	2012-12/86 2011-18/65
recreation areas Health, Disease Control and Prevention, Environmental Services	35709	R392-300	5YR	01/20/2012	2012-4/92
Livioninental Services	35708 35714	R392-301 R392-401	5YR 5YR	01/20/2012 01/20/2012	2012-4/93 2012-4/94
refinery Environmental Quality, Air Quality	35781	R307-326	5YR	02/01/2012	2012-4/85
registration					
Commerce, Real Estate Natural Resources, Forestry, Fire and State Lands Workforce Services, Unemployment Insurance	35915 35698 36223 35448	R162-2e-402 R652-140 R994-403 R994-403-112c	AMD 5YR AMD AMD	05/23/2012 01/19/2012 07/09/2012 01/17/2012	2012-7/25 2012-4/108 2012-11/159 2011-23/98
registration requirements Commerce, Consumer Protection	36360	R152-34	5YR	06/14/2012	2012-13/98
reimbursement Health, Health Care Financing, Coverage and Reimbursement Policy	36106	R414-9-5	AMD	07/01/2012	2012-10/37
religious activities					
Tax Commission, Auditing	35606 35511 36175	R865-19S R865-19S-32 R865-19S-123	5YR AMD AMD	01/03/2012 02/09/2012 07/26/2012	2012-2/133 2012-1/48 2012-11/118
renewable Natural Resources, Geological Survey	36593	R638-2	NSC	08/13/2012	Not Printed
renewals Environmental Quality, Solid and Hazardous Waste Environmental Quality, Water Quality	36246 36457	R315-15 R317-10	5YR 5YR	05/17/2012 07/11/2012	2012-12/85 2012-15/78
repairs Administrative Services, Fleet Operations	35621	R27-8	5YR	01/05/2012	2012-3/107
reporting					
Health, Family Health and Preparedness, Emergency Medical Services	36100	R426-5	5YR	04/26/2012	2012-10/92
Natural Resources, Oil, Gas and Mining; Oil and Gas	35848	R649-8	5YR	02/03/2012	2012-5/123

reports Education, Administration Public Service Commission, Administration	35676 36358	R277-484-3 R746-400	AMD 5YR	03/12/2012 06/13/2012	2012-3/23 2012-13/114
request for proposals School and Institutional Trust Lands, Administration	36411	R850-30	5YR	06/27/2012	2012-14/79
research data requests Education, Administration	35676	R277-484-3	AMD	03/12/2012	2012-3/23
research funding Science Technology and Research Governing Auth., Administration	36083	R856-1	EXD	04/05/2012	2012-9/101
	36156	R856-1	NEW	07/31/2012	2012-11/108
residency requirements Community and Culture, Home Energy Assistance Target (HEAT)	36293	R195-2	EXT	05/31/2012	2012-12/95
Natural Resources, Forestry, Fire and State Lands School and Institutional Trust Lands, Administration Workforce Services, Administration	36006 36276 36194 36513	R652-3 R850-3 R982-402 R982-402	5YR 5YR NEW NSC	04/02/2012 05/23/2012 07/09/2012 07/31/2012	2012-8/83 2012-12/91 2012-11/127 Not Printed
residential mortgage Commerce, Real Estate	36079	R162-2c	AMD	06/07/2012	2012-9/12
resorts Health, Disease Control and Prevention, Environmental Services	36017	R392-502	5YR	04/02/2012	2012-8/75
resource decision Public Service Commission, Administration	35924	R746-440	5YR	03/08/2012	2012-7/73
resources Health, Health Care Financing, Coverage and Reimbursement Policy	35437	R414-305	AMD	02/06/2012	2011-23/65
<u>restaurants</u>					
Tax Commission, Auditing	35602 36171	R865-12L R865-12L-14	5YR AMD	01/03/2012 07/26/2012	2012-2/130 2012-11/117
restitution Pardons (Board Of), Administration	36549	R671-403	5YR	07/27/2012	2012-16/198
retirement Human Resource Management, Administration	35832	R477-12	5YR	02/03/2012	2012-5/114
revocation procedures Environmental Quality, Environmental Response and Remediation	35447	R311-201	AMD	01/13/2012	2011-23/45
remediation	36045	R311-201	5YR	04/10/2012	2012-9/82
revolving account Education, Administration	35582 35817	R277-480-1 R277-480-1	NSC NSC	01/31/2012 02/29/2012	Not Printed Not Printed
right of petition School and Institutional Trust Lands, Administration	36446	R850-8	NSC	07/25/2012	Not Printed
right of way Transportation, Program Development	36179	R926-6	NSC	05/30/2012	Not Printed
right of way acquisition Transportation, Preconstruction, Right-of-Way Acquisition	35429	R933-1	AMD	01/10/2012	2011-23/97

right-of-way					
Natural Resources, Wildlife Resources	36637	R657-28	5YR	08/13/2012	Not Printed
<u>risk management</u>					
Administrative Services, Risk Management	36286	R37-1	5YR	05/30/2012	2012-12/81
	36287	R37-2	5YR	05/30/2012	2012-12/81
	36288	R37-3	5YR	05/30/2012	2012-12/82
	36289	R37-4	5YR	05/30/2012	2012-12/83
	35844	R37-4	AMD	05/31/2012	2012-5/4
<u>roads</u>					
Transportation, Administration	36178	R907-68	AMD	07/09/2012	2012-11/123
Transportation, Program Development	35959	R926-4	5YR	03/20/2012	2012-8/90
	35960	R926-4	NSC	04/11/2012	Not Printed
<u>ropeways</u>					
Transportation, Operations, Traffic and Safety	36081	R920-50	5YR	04/16/2012	2012-9/98
	36082	R920-50	AMD	06/07/2012	2012-9/72
royalties					
Natural Resources, Forestry, Fire and State Lands	36009	R652-20	5YR	04/02/2012	2012-8/85
and a second consequence					
rules and procedures	05440	D077 400	4440	04/40/0040	0044 00/04
Education, Administration	35449	R277-100	AMD	01/10/2012	2011-23/21
	35534	R277-102	R&R	02/07/2012	2012-1/8
	35856	R277-102	NSC	02/29/2012	Not Printed
Health, Administration	36096	R380-1	5YR	04/26/2012	2012-10/88
	36097	R380-5	5YR	04/26/2012	2012-10/89
Health, Disease Control and Prevention,	36247	R386-702	AMD	08/08/2012	2012-12/29
Epidemiology					
Human Resource Management, Administration	35821	R477-1	5YR	02/02/2012	2012-5/107
	36118	R477-1	AMD	07/02/2012	2012-10/47
	35834	R477-13	5YR	02/03/2012	2012-5/115
	36127	R477-13	AMD	07/02/2012	2012-10/81
Natural Resources, Wildlife Resources	36003	R657-27	5YR	04/02/2012	2012-8/89
	36152	R657-30	5YR	05/04/2012	2012-11/182
Public Safety, Driver License	35702	R708-2	5YR	01/20/2012	2012-4/118
Public Safety, Peace Officer Standards and Training	36290	R728-409	AMD	08/06/2012	2012-12/68
Public Service Commission, Administration	35508	R746-100	AMD	02/07/2012	2012-1/30
Table dervice dominission, Administration	35900	R746-100	AMD	05/07/2012	2012-1/30
	36195	R746-100	AMD	07/09/2012	2012-11/94
	35926	R746-320	NSC	03/22/2012	Not Printed
	35509	R746-342	REP	02/07/2012	2012-1/40
	36358	R746-400	5YR	06/13/2012	2012-13/114
	35507	R746-405-2	AMD	02/07/2012	2012-1/41
	35896	R746-405-2	AMD	05/07/2012	2012-6/31
	36208	R746-405-2	AMD	07/09/2012	2012-11/102
School and Institutional Trust Lands, Administration	36275	R850-2	5YR	05/23/2012	2012-12/91
and a supera divisa					
rules procedures	05050	DE00 440	EV/D	00/00/0040	0040 5/440
Insurance, Administration	35850	R590-116	5YR	02/06/2012	2012-5/116
	35851	R590-117	5YR	02/06/2012	2012-5/116
wwel according days language					
rural economic development	20000	D057.4	EVD.	04/40/0040	2042.0/02
Governor, Economic Development	36066	R357-1	5YR	04/13/2012	2012-9/92
Rural Fast Track Program					
Governor, Economic Development	36066	R357-1	5YR	04/13/2012	2012-9/92
Governor, Economic Development	30000	N337-1	JIK	04/13/2012	2012-9/92
rural policy					
Human Services, Aging and Adult Services	36470	R510-108	5YR	07/11/2012	2012-15/82
Haman Oct viocs, Aging and Addit Oct vices	30770	13010-100	JIK	01/11/2012	2012-10/02
safety					
Education, Administration	36587	R277-400	5YR	08/01/2012	2012-16/190
Labor Commission, Boiler and Elevator Safety	35963	R616-2-3	AMD	05/22/2012	2012-10/190
Labor Commission, Dulier and Lievalur Safety	35963 35961	R616-2-15	AMD	05/22/2012	2012-8/12
	35962	R616-3-3	AMD	05/22/2012	2012-8/16

Labor Commission, Occupational Safety and Health	36306	R614-1-4	AMD	07/23/2012	2012-12/41
,,,,,,	36398	R614-1-8	NSC	07/12/2012	Not Printed
Natural Resources, Parks and Recreation	36235	R651-227	AMD	07/23/2012	2012-12/53
safety education	26507	D277 400	EVD	00/01/2012	2012 16/100
Education, Administration	36587	R277-400	5YR	08/01/2012	2012-16/190
safety inspections					
Public Safety, Highway Patrol	36439	R714-159	5YR	07/02/2012	2012-14/73
safety regulations	25250	D000 40	AMD	00/07/0040	2044 2044
Transportation, Motor Carrier	35256 35256	R909-19 R909-19	AMD CPR	02/07/2012 02/07/2012	2011-20/41 2012-1/64
	35426	R909-75	AMD	01/10/2012	2012-1/04
Transportation, Operations, Traffic and Safety	36618	R920-51	5YR	08/01/2012	2012-16/201
safety standing		5000 40	555	0.4.4.0.400.4.0	0044 00400
Transportation, Motor Carrier	35427	R909-16	REP	01/10/2012	2011-23/92
<u>salaries</u>					
Human Resource Management, Administration	35826	R477-6	5YR	02/02/2012	2012-5/110
	36211	R477-6	AMD	07/10/2012	2012-11/68
	35880	R477-6-5	AMD	07/10/2012	2012-6/23
and any and the state of the					
salary adjustments Education, Administration	36583	R277-110	5YR	08/01/2012	2012-16/188
Eddealon, Administration	30303	11277-110	3110	00/01/2012	2012-10/100
<u>sales</u>					
School and Institutional Trust Lands, Administration	36415	R850-80	5YR	06/27/2012	2012-14/81
sales tax Tay Commission, Auditing	35602	R865-12L	5YR	01/03/2012	2012-2/130
Tax Commission, Auditing	36171	R865-12L-14	AMD	07/26/2012	2012-2/130
	35606	R865-19S	5YR	01/03/2012	2012-1/177
	35511	R865-19S-32	AMD	02/09/2012	2012-1/48
	36175	R865-19S-123	AMD	07/26/2012	2012-11/118
salt Natural Resources, Forestry, Fire and State Lands	36009	R652-20	5YR	04/02/2012	2012-8/85
Natural Nesources, Forestry, Fire and State Lands	30009	11032-20	3110	04/02/2012	2012-0/03
<u>sanitarian</u>					
Commerce, Occupational and Professional Licensing	35430	R156-20a	AMD	01/10/2012	2011-23/10
conitation					
sanitation Health, Disease Control and Prevention,	35715	R392-100	5YR	01/20/2012	2012-4/91
Environmental Services	00710	11002 100	OTT	01/20/2012	2012 4/01
	35445	R392-100	AMD	01/26/2012	2011-23/62
satellite	25452	D277 402	NIE/A/	04/40/2042	2011 22/20
Education, Administration	35453 36368	R277-482 R277-482	NEW AMD	01/10/2012 08/08/2012	2011-23/38 2012-13/54
	00000	NZII 40Z	7 (IVID	00/00/2012	2012 10/04
<u>scholarships</u>					
Education, Administration	35675	R277-476	REP	03/12/2012	2012-3/22
Regents (Board Of), Administration	36165	R765-604	AMD	07/09/2012	2012-11/104
school boards					
Education, Administration	36581	R277-101	5YR	08/01/2012	2012-16/188
school buses		D0==			0010 =:==
Education, Administration	35877	R277-600-7	AMD	04/10/2012	2012-5/28
school choice					
Education, Administration	36071	R277-483-4	AMD	06/07/2012	2012-9/36
school community councils					
Education, Administration	36201	R277-491	AMD	07/09/2012	2012-11/19

	36451	R277-491-4	NSC	07/25/2012	Not Printed
school enrollment Education, Administration	35905 36069	R277-419-5 R277-419-7	AMD AMD	05/08/2012 06/07/2012	2012-7/28 2012-9/34
school fees	36642	R277-445	5YR	08/14/2012	Not Printed
Education, Administration	36640 36199	R277-407 R277-407-3	5YR AMD	08/14/2012 07/09/2012	Not Printed 2012-11/16
school lunch program Education, Administration	36650	R277-720	5YR	08/14/2012	Not Printed
school lunch programs Education, Administration	35937	R277-720	AMD	05/08/2012	2012-7/34
school personnel Education, Administration	35674 35932 35679	R277-107 R277-107-6 R277-513	AMD AMD REP	03/12/2012 05/08/2012 03/12/2012	2012-3/19 2012-7/27 2012-3/30
school reports Education, Administration	35875 36202	R277-497 R277-497-3	NEW AMD	04/10/2012 07/09/2012	2012-5/24 2012-11/22
school transportation Education, Administration	35877	R277-600-7	AMD	04/10/2012	2012-5/28
schools Education, Administration	36308 36536	R277-617 R277-617-1	NEW NSC	07/23/2012 08/08/2012	2012-12/24 Not Printed
Environmental Quality, Air Quality Health, Disease Control and Prevention, Environmental Services	35777 35710	R307-135 R392-200	5YR 5YR	02/01/2012 01/20/2012	2012-4/82 2012-4/91
Natural Resources, Geological Survey Public Safety, Driver License	35685 36597 35702	R638-3 R638-3 R708-2	EMR NSC 5YR	02/01/2012 08/13/2012 01/20/2012	2012-3/97 Not Printed 2012-4/118
search and seizure Corrections, Administration	35757	R251-710	EXT	01/31/2012	2012-4/121
,	36042	R251-710	5YR	04/06/2012	2012-9/78
searches Education, Administration	35878	R277-615	NEW	04/10/2012	2012-5/29
seat belts Public Safety, Highway Patrol	36435 36437	R714-230 R714-240	5YR 5YR	07/02/2012 07/02/2012	2012-14/75 2012-14/76
secondary education Regents (Board Of), Administration	36165	R765-604	AMD	07/09/2012	2012-11/104
secure areas Human Services, Substance Abuse and Mental Health, State Hospital	35593	R525-6	AMD	02/21/2012	2012-2/98
secure facilities Public Safety, Peace Officer Standards and Training	35568	R728-408	REP	05/14/2012	2012-2/102
securities Commerce, Securities	36459 36460 36461 36537 36538 36541	R164-1 R164-4 R164-5 R164-9 R164-10 R164-14	5YR 5YR 5YR 5YR 5YR 5YR	07/11/2012 07/11/2012 07/11/2012 07/15/2012 07/25/2012 07/25/2012	2012-15/75 2012-15/75 2012-15/76 2012-16/184 2012-16/185 2012-16/186

	36542	R164-15	5YR	07/25/2012	2012-16/187
	35558	R164-101	NEW	02/21/2012	2012-10/10/
Financial Institutions, Administration	36527	R331-5	5YR	07/20/2012	2012-16/193
Money Management Council, Administration	35640	R628-17	5YR	01/09/2012	2012-10/193
Money Management Council, Administration	33040	N020-11	JIK	01/09/2012	2012-3/121
securities fraud reporting program					
Commerce, Securities	35558	R164-101	NEW	02/21/2012	2012-2/29
Commerce, Securities	33330	11104-101	INLVV	02/21/2012	2012-2129
securities licensing requirements					
Commerce, Securities	36460	R164-4	5YR	07/11/2012	2012-15/75
Commerce, Cedanties	00400	11104 4	OTT	0771172012	2012 10/10
securities regulations					
Commerce, Securities	36459	R164-1	5YR	07/11/2012	2012-15/75
Commorco, Cocanaco	36460	R164-4	5YR	07/11/2012	2012-15/75
	36461	R164-5	5YR	07/11/2012	2012-15/76
	36462	R164-6	5YR	07/11/2012	2012-15/76
	36537	R164-9	5YR	07/25/2012	2012-16/184
	36538	R164-10	5YR	07/25/2012	2012-16/185
	36539	R164-11	5YR	07/25/2012	2012-16/185
	36540	R164-12	5YR	07/25/2012	2012-16/186
	36541	R164-14	5YR	07/25/2012	2012-16/186
	36542	R164-15	5YR	07/25/2012	2012-16/187
	36463	R164-18	5YR	07/11/2012	2012-15/77
	36464	R164-25	5YR	07/11/2012	2012-15/77
	36543	R164-26	5YR	07/25/2012	2012-16/187
	35558	R164-101	NEW	02/21/2012	2012-2/29
Money Management Council, Administration	35640	R628-17	5YR	01/09/2012	2012-3/121
Worldy Wariagement Courion, Naminiou autori	00040	11020 17	OTT	01/00/2012	2012 0/121
security guards					
Commerce, Occupational and Professional Licensing	36192	R156-63b-102	NSC	05/30/2012	Not Printed
security measures					
Corrections, Administration	35764	R251-704	EXD	01/18/2012	2012-4/124
,	35771	R251-704	EMR	02/01/2012	2012-4/52
	35809	R251-704	NEW	04/09/2012	2012-5/18
	35757	R251-710	EXT	01/31/2012	2012-4/121
	36042	R251-710	5YR	04/06/2012	2012-9/78
seizure of property					
Tax Commission, Collections	36168	R867-2B-2	AMD	07/26/2012	2012-11/119
•	36169	R867-2B-4	AMD	07/26/2012	2012-11/120
self-employment income					
Community and Culture, Home Energy Assistance	36294	R195-3	EXT	05/31/2012	2012-12/95
Target (HEAT)					
	35405	R195-3-3	AMD	03/26/2012	2011-23/16
Workforce Services, Administration	36196	R982-403	NEW	07/09/2012	2012-11/130
	36514	R982-403	NSC	07/31/2012	Not Printed
self-insured employer					
Tax Commission, Auditing	35601	R865-11Q	5YR	01/03/2012	2012-2/130
seminars					
Human Services, Substance Abuse and Mental	35625	R523-24	AMD	03/09/2012	2012-3/67
Health					
senior centers	00.40=	DE46 406	5) (D	07////00//	0040 475
Human Services, Aging and Adult Services	36467	R510-103	5YR	07/11/2012	2012-15/81
sentencing	05750	D074 (07	5) (D	04/04/0010	0040 4444
Pardons (Board Of), Administration	35753	R671-405	5YR	01/31/2012	2012-4/118
conver training					
server training	20204	DE00.00	EVD.	00/40/0040	0040 44/07
Human Services, Substance Abuse and Mental	36384	R523-23	5YR	06/18/2012	2012-14/67
Health	25620	DE00 00 4	AMD	02/00/2042	2012 2/00
	35626	R523-23-4	AMD	03/09/2012	2012-3/66

service continuum					
Human Services, Substance Abuse and Mental Health	36310	R523-20	5YR	06/05/2012	2012-13/107
service coordination Human Services, Aging and Adult Services	36466	R510-102	5YR	07/11/2012	2012-15/80
settlements Labor Commission, Adjudication	36400	R602-2	5YR	06/19/2012	2012-14/71
sewer collection systems Environmental Quality, Water Quality	35903	R317-801	NEW	06/21/2012	2012-6/12
sewerage Environmental Quality, Water Quality	36388 36387	R317-5 R317-560	5YR 5YR	06/18/2012 06/18/2012	2012-14/65 2012-14/66
shelter care facilities Human Services, Aging and Adult Services	36475	R510-302	5YR	07/11/2012	2012-15/85
short-term services Human Services, Aging and Adult Services	36475	R510-302	5YR	07/11/2012	2012-15/85
significant energy resources Public Service Commission, Administration	36166 36167	R746-420 R746-430	5YR 5YR	05/10/2012 05/10/2012	2012-11/183 2012-11/184
signs Transportation, Preconstruction, Right-of-Way Acquisition	36180	R933-2	EMR	05/14/2012	2012-11/168
single event permits Alcoholic Beverage Control, Administration	36114	R81-7	AMD	07/01/2012	2012-10/11
<u>slaughter</u> Agriculture and Food, Animal Industry	35866 36144	R58-11 R58-11	AMD NSC	05/15/2012 05/30/2012	2012-5/5 Not Printed
small business loans Workforce Services, Housing and Community Development	36486	R990-12	EMR	07/12/2012	2012-15/69
smoking Health, Disease Control and Prevention, Environmental Services	36019	R392-510	5YR	04/02/2012	2012-8/75
snow Transportation, Operations, Traffic and Safety	36617	R920-6	5YR	08/01/2012	2012-16/200
snow removal Transportation, Operations, Maintenance	35515 36609	R918-3 R918-3	AMD 5YR	02/07/2012 08/01/2012	2012-1/55 2012-16/198
sobriety tests Health, Disease Control and Prevention, Laboratory Services	35706	R438-12	5YR	01/20/2012	2012-4/98
social services Human Services, Child and Family Services	35895	R512-1	5YR	02/23/2012	2012-6/38
social workers Commerce, Occupational and Professional Licensing	36189	R156-60a	AMD	07/09/2012	2012-11/10
solar Natural Resources, Geological Survey	36593	R638-2	NSC	08/13/2012	Not Printed

solicitation process Public Service Commission, Administration	36166	R746-420	5YR	05/10/2012	2012-11/183
solicitations Commerce, Consumer Protection	35970	R152-22	5YR	03/22/2012	2012-8/72
solid waste management Environmental Quality, Solid and Hazardous Waste	35988 35432 35433 35434	R315-304 R315-312-1 R315-315-5 R315-320-2	5YR AMD AMD AMD	03/29/2012 01/13/2012 01/13/2012 01/13/2012	2012-8/74 2011-23/59 2011-23/60 2011-23/61
solvent Environmental Quality, Air Quality	35786	R307-341	5YR	02/01/2012	2012-4/88
solvent cleaning Environmental Quality, Air Quality	35784	R307-335	5YR	02/01/2012	2012-4/87
sovereign lands Natural Resources, Forestry, Fire and State Lands	36014	R652-70	5YR	04/02/2012	2012-8/87
space heaters Administrative Services, Facilities Construction and Management	36146	R23-19	5YR	05/03/2012	2012-11/177
spas Health, Disease Control and Prevention, Environmental Services	35707	R392-302	5YR	01/20/2012	2012-4/93
special education Education, Administration	36651	R277-750	5YR	08/14/2012	Not Printed
special events Health, Disease Control and Prevention, Environmental Services	35711	R392-400	5YR	01/20/2012	2012-4/94
special fuel Tax Commission, Auditing	35598	R865-4D	5YR	01/03/2012	2012-2/125
special income group Health, Health Care Financing, Coverage and Reimbursement Policy	36085	R414-307	5YR	04/17/2012	2012-10/91
specific licenses Environmental Quality, Radiation Control	35417	R313-22-75	AMD	01/16/2012	2011-23/51
sponsor-a-highway Transportation, Operations, Maintenance	35669	R918-4	AMD	03/12/2012	2012-3/82
sponsors Corrections, Administration	35755 36040	R251-306 R251-306	EXT 5YR	01/31/2012 04/06/2012	2012-4/121 2012-9/77
stack height Environmental Quality, Air Quality	36337	R307-410	5YR	06/06/2012	2012-13/103
standards Transportation, Administration	35670	R907-60	REP	03/12/2012	2012-3/80
STAR Science Technology and Research Governing Auth., Administration	36083	R856-1	EXD	04/05/2012	2012-9/101
, commondation	36084	R856-2	EXD	04/05/2012	2012-9/101
state assisted loans Environmental Quality, Water Quality	36456	R317-100	5YR	07/11/2012	2012-15/78

state buildings Capitol Preservation Board (State), Administration	35899 36359	R131-3 R131-3	EXT 5YR	02/29/2012 06/13/2012	2012-6/43 2012-13/97
state employees Administrative Services, Finance Human Resource Management, Administration	36112 35825	R25-7 R477-5	AMD 5YR	07/01/2012 02/02/2012	2012-10/4 2012-5/109
state fleet information system Administrative Services, Fleet Operations	35617 35623	R27-5 R27-5	5YR NSC	01/05/2012 01/31/2012	2012-3/106 Not Printed
state HEAT office records Community and Culture, Home Energy Assistance Target (HEAT)	35408	R195-7	AMD	03/26/2012	2011-23/19
Workforce Services, Administration	36298 36210 36518	R195-7 R982-407 R982-407	EXT NEW NSC	05/31/2012 07/09/2012 07/31/2012	2012-12/96 2012-11/135 Not Printed
state hospital Human Services, Substance Abuse and Mental Health, State Hospital	35593	R525-6	AMD	02/21/2012	2012-2/98
state parole inmates Governor, Criminal and Juvenile Justice (State Commission on)	36141	R356-1	AMD	07/01/2012	2012-10/27
state probationary inmates Governor, Criminal and Juvenile Justice (State Commission on)	36141	R356-1	AMD	07/01/2012	2012-10/27
stationary sources Environmental Quality, Air Quality	35496	R307-210-1	AMD	03/07/2012	2011-24/7
stocks Treasurer, Unclaimed Property	36504	R966-1	5YR	07/18/2012	2012-16/201
student eligibility Workforce Services, Unemployment Insurance	36223 35448	R994-403 R994-403-112c	AMD AMD	07/09/2012 01/17/2012	2012-11/159 2011-23/98
student financial aid Education, Administration	35682	R277-718	REP	03/12/2012	2012-3/37
student records Education, Administration	36582	R277-103	5YR	08/01/2012	2012-16/188
students Education, Administration	36639 35936 35878 36649	R277-401 R277-485 R277-615 R277-713	5YR AMD NEW 5YR	08/14/2012 05/08/2012 04/10/2012 08/14/2012	Not Printed 2012-7/33 2012-5/29 Not Printed
students with disabilities Education, Administration	35935 36160	R277-479 R277-479-1	NEW NSC	05/08/2012 05/30/2012	2012-7/31 Not Printed
students' rights Education, Administration	35454 36647	R277-608 R277-608	AMD 5YR	01/10/2012 08/14/2012	2011-23/41 Not Printed
substance abuse Human Services, Substance Abuse and Mental Health	36310	R523-20	5YR	06/05/2012	2012-13/107
	36384 35626	R523-23 R523-23-4	5YR AMD	06/18/2012 03/09/2012	2012-14/67 2012-3/66

substance use disorder counselors Commerce, Occupational and Professional Licensing	36228 36550	R156-60d R156-60d	AMD NSC	07/30/2012 08/08/2012	2012-12/17 Not Printed
suggestions					
Human Services, Substance Abuse and Mental Health, State Hospital	35594	R525-7	AMD	02/21/2012	2012-2/99
. roans, state i rospita.	35855	R525-7	NSC	02/29/2012	Not Printed
supervision					
Commerce, Occupational and Professional Licensing	35624	R156-1	5YR	01/05/2012	2012-3/112
Corrections Administration	36077 36312	R156-1	AMD	06/07/2012	2012-9/8
Corrections, Administration	30312	R251-401	5YR	06/05/2012	2012-13/99
surface coating Environmental Quality, Air Quality	35785	R307-340	5YR	02/01/2012	2012-4/87
aun ava					
surveys Environmental Quality, Radiation Control	35906	R313-35	5YR	03/02/2012	2012-7/65
	35418	R313-36	AMD	01/16/2012	2011-23/54
Judicial Performance Evaluation Commission, Administration	35930	R597-3	EMR	03/15/2012	2012-7/57
	35934	R597-3	AMD	06/01/2012	2012-7/50
Natural Resources, Forestry, Fire and State Lands	36011	R652-40	5YR	04/02/2012	2012-8/86
School and Institutional Trust Lands, Administration	36412	R850-40	5YR	06/27/2012	2012-14/79
<u>systems</u>					
Public Safety, Fire Marshal	36188	R710-7-2	AMD	07/10/2012	2012-11/92
tailings					
Environmental Quality, Radiation Control	36277	R313-24	5YR	05/24/2012	2012-12/84
<u>tariffs</u>					
Public Service Commission, Administration	35507	R746-405-2	AMD	02/07/2012	2012-1/41
	35896	R746-405-2	AMD	05/07/2012	2012-6/31
	36208	R746-405-2	AMD	07/09/2012	2012-11/102
tax credits					
Environmental Quality, Air Quality	35716	R307-121	5YR	01/23/2012	2012-4/81
	35718	R307-121-7	NSC	02/09/2012	Not Printed
Natural Resources, Geological Survey	36593	R638-2	NSC	08/13/2012	Not Printed
tax exemptions					
Environmental Quality, Air Quality	35775	R307-120	5YR	02/01/2012	2012-4/81
Environmental Quality, Water Quality	35726	R317-12	5YR	01/25/2012	2012-4/89
Tax Commission, Auditing	35606	R865-19S	5YR	01/03/2012	2012-2/133
	35511	R865-19S-32	AMD	02/09/2012	2012-1/48
	36175	R865-19S-123	AMD	07/26/2012	2012-11/118
tax returns					
Tax Commission, Auditing	35600	R865-9I	5YR	01/03/2012	2012-2/127
	36173	R865-9I-49	AMD	07/26/2012	2012-11/116
taxation					
Tax Commission, Administration	35595	R861-1A	5YR	01/03/2012	2012-2/122
rax commoder, raminet atten	35862	R861-1A-9	AMD	04/12/2012	2012-5/93
	36061	R861-1A-16	AMD	06/14/2012	2012-9/65
	36172	R861-1A-20	AMD	07/26/2012	2012-11/111
Tax Commission, Auditing	35597	R865-3C	5YR	01/03/2012	2012-2/125
	35863	R865-3C-1	AMD	04/12/2012	2012-5/95
	35598	R865-4D	5YR	01/03/2012	2012-2/125
	35599 36170	R865-6F	5YR AMD	01/03/2012 07/26/2012	2012-2/126 2012-11/113
	35601	R865-6F-6 R865-11Q	5YR	01/03/2012	2012-11/113
	35602	R865-12L	5YR	01/03/2012	2012-2/130
	36171	R865-12L-14	AMD	07/26/2012	2012-11/117
	35603	R865-13G	5YR	01/03/2012	2012-2/131

	35604	R865-14W	5YR	01/03/2012	2012-2/132
	35605	R865-150	5YR	01/03/2012	2012-2/133
Tou Commission Collections	35607	R865-20T	5YR	01/03/2012	2012-2/137
Tax Commission, Collections	36168	R867-2B-2	AMD	07/26/2012	2012-11/119
Tay Commission Mater Vehicle	36169	R867-2B-4	AMD	07/26/2012	2012-11/120
Tax Commission, Motor Vehicle	35608	R873-22M	5YR	01/03/2012 01/03/2012	2012-2/138
Tax Commission, Motor Vehicle Enforcement	35609 36062	R877-23V R877-23V-7	5YR AMD		2012-2/140 2012-9/67
	35512	R877-23V-20	AMD	06/14/2012 02/09/2012	2012-9/67
	35512	R877-23V-21	AMD	02/09/2012	2012-1/49
	36063	R877-23V-21	AMD	06/14/2012	2012-1/30
Tax Commission, Property Tax	35592	R884-24P	5YR	01/03/2012	2012-9/70
rax Commission, r roperty rax	35514	R884-24P-62	AMD	02/09/2012	2012-2/141
	35864	R884-24P-66	AMD	04/12/2012	2012-1/31
	36174	R884-24P-66	AMD	07/26/2012	2012-11/121
	36064	R884-24P-68	AMD	06/14/2012	2012-17/12
	00004	11004 241 00	7 (IVID	00/14/2012	2012 0/11
teacher certification					
Education, Administration	36644	R277-505	5YR	08/14/2012	Not Printed
	35679	R277-513	REP	03/12/2012	2012-3/30
	35941	R277-519	5YR	03/15/2012	2012-7/64
Public Safety, Driver License	35705	R708-27	5YR	01/20/2012	2012-4/120
<u>teachers</u>					
Education, Administration	35675	R277-476	REP	03/12/2012	2012-3/22
	35677	R277-503	AMD	03/12/2012	2012-3/24
	35939	R277-503	5YR	03/15/2012	2012-7/63
	36073	R277-503	AMD	06/07/2012	2012-9/39
	35671	R277-511	5YR	01/17/2012	2012-3/113
	35678	R277-511	REP	03/12/2012	2012-3/28
	35454	R277-608	AMD	01/10/2012	2011-23/41
	36647	R277-608	5YR	08/14/2012	Not Printed
technology					
Education, Administration	36308	R277-617	NEW	07/23/2012	2012-12/24
Education, Administration	36536	R277-617-1	NSC	08/08/2012	Not Printed
	30330	11277-017-1	NOC	00/00/2012	Not i filited
technology funding					
Science Technology and Research Governing	36083	R856-1	EXD	04/05/2012	2012-9/101
Authority, Administration					
, ,	36156	R856-1	NEW	07/31/2012	2012-11/108
<u>telecommunications</u>					
Public Service Commission, Administration	35509	R746-342	REP	02/07/2012	2012-1/40
	36029	R746-343-4	AMD	06/20/2012	2012-9/64
	35651	R746-348	5YR	01/11/2012	2012-3/126
	35916	R746-349	5YR	03/06/2012	2012-7/71
	35917	R746-351	5YR	03/06/2012	2012-7/72
	35927	R746-365	NSC	03/22/2012	Not Printed
telecommuting					
Human Resource Management, Administration	35828	R477-8	5YR	02/02/2012	2012-5/112
	36124	R477-8	AMD	07/02/2012	2012-10/71
talankana utilitu manulatiana					
telephone utility regulations Public Service Commission Administration	25651	D746 040	EVD	04/44/2040	2012 2/120
Public Service Commission, Administration	35651	R746-348	5YR	01/11/2012	2012-3/126
telephonic participation					
Administrative Services, Archives	35304	R17-9	NEW	01/30/2012	2011-20/6
Administrative Octobes, Alchives	JJJU 1	1111-9	1 N L V V	01/30/2012	2011-20/0
temporary beer event permits					
Alcoholic Beverage Control, Administration	36116	R81-10B	AMD	07/01/2012	2012-10/14
	55.16			JJ.//2012	
temporary mass gatherings					
Health, Disease Control and Prevention,					
rieditii, Disease Control and Frevention,	35711	R392-400	5YR	01/20/2012	2012-4/94
Environmental Services	35711	R392-400	5YR	01/20/2012	2012-4/94

terminally ill Natural Resources, Wildlife Resources	36152	R657-30	5YR	05/04/2012	2012-11/182
textbooks Education, Administration	36641	R277-433	5YR	08/14/2012	Not Printed
<u>tickets</u> Administrative Services, Fleet Operations	36024	R27-7	AMD	06/28/2012	2012-9/4
time Labor Commission, Adjudication Labor Commission, Antidiscrimination and Labor,	36399 35833	R602-1 R610-3-21	5YR AMD	06/19/2012 04/16/2012	2012-14/70 2012-5/88
Labor Labor Commission, Industrial Accidents	36402 36454	R612-1 R612-1-10	5YR NSC	06/19/2012 07/25/2012	2012-14/71 Not Printed
timelines Education, Administration	35453 36368	R277-482 R277-482	NEW AMD	01/10/2012 08/08/2012	2011-23/38 2012-13/54
<u>tires</u> Transportation, Operations, Traffic and Safety	36617	R920-6	5YR	08/01/2012	2012-16/200
tobacco products Tax Commission, Auditing	35607	R865-20T	5YR	01/03/2012	2012-2/137
toilets Environmental Quality, Water Quality	36387	R317-560	5YR	06/18/2012	2012-14/66
towing Transportation, Motor Carrier	35256 35256	R909-19 R909-19	AMD CPR	02/07/2012 02/07/2012	2011-20/41 2012-1/64
traffic control Transportation, Operations, Traffic and Safety	36616 36614	R920-1 R920-5	5YR EXT	08/01/2012 08/01/2012	2012-16/199 2012-16/203
traffic noise abatement Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57
traffic regulations Public Safety, Highway Patrol	36440	R714-110	5YR	07/02/2012	2012-14/72
traffic safety Transportation, Operations, Traffic and Safety	36614	R920-5	EXT	08/01/2012	2012-16/203
<u>traffic signs</u> Transportation, Operations, Traffic and Safety	36614	R920-5	EXT	08/01/2012	2012-16/203
traffic violations Public Safety, Driver License	35636	R708-3	5YR	01/09/2012	2012-3/121
training Education, Administration	35453 36368	R277-482 R277-482	NEW AMD	01/10/2012 08/08/2012	2011-23/38 2012-13/54
Human Services, Substance Abuse and Mental Health	35625	R523-24	AMD	03/09/2012	2012-3/67
training academy approval Public Safety, Peace Officer Standards and Training	36291	R728-401	R&R	08/06/2012	2012-12/64
training programs Human Resource Management, Administration Public Safety, Driver License	35830 35703	R477-10 R708-21	5YR 5YR	02/03/2012 01/20/2012	2012-5/113 2012-4/119
Workforce Services, Administration	36231 36357	R708-21 R982-601	R&R 5YR	07/23/2012 06/12/2012	2012-12/58 2012-13/116

tramway permits					
Transportation, Operations, Traffic and Safety	36081	R920-50	5YR	04/16/2012	2012-9/98
	36082	R920-50	AMD	06/07/2012	2012-9/72
tramways					
Transportation, Operations, Traffic and Safety	36081	R920-50	5YR	04/16/2012	2012-9/98
	36082	R920-50	AMD	06/07/2012	2012-9/72
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transfer					
Technology Services, Administration	35989	R895-3	EXT	03/29/2012	2012-8/91
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transparency					
Health, Center for Health Data, Health Care Statistics	35616	R428-15	AMD	03/16/2012	2012-3/51
rieditii, Center for Fleditii Data, Fleditii Care Statistics	33010	N420-13	AIVID	03/10/2012	2012-3/31
transportation					
transportation Administrative Services, Finance	36112	R25-7	AMD	07/04/2012	2012-10/4
			AMD AMD	07/01/2012	
Transportation, Administration	36178	R907-68		07/09/2012	2012-11/123
Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57
Transportation, Program Development	35959	R926-4	5YR	03/20/2012	2012-8/90
	35960	R926-4	NSC	04/11/2012	Not Printed
transportation commission					
Transportation, Administration	36178	R907-68	AMD	07/09/2012	2012-11/123
transportation planning					
Transportation, Program Development	36179	R926-6	NSC	05/30/2012	Not Printed
transportation research					
Transportation, Administration	35670	R907-60	REP	03/12/2012	2012-3/80
transportation safety					
Transportation, Motor Carrier	35425	R909-1	AMD	01/10/2012	2011-23/90
	35873	R909-1	AMD	04/11/2012	2012-5/99
Transportation, Operations, Traffic and Safety	36081	R920-50	5YR	04/16/2012	2012-9/98
	36082	R920-50	AMD	06/07/2012	2012-9/72
trauma					
Health, Family Health and Preparedness, Emergency	36100	R426-5	5YR	04/26/2012	2012-10/92
		11420-0	3111		
	00100	11420-5	3110		
Medical Services	00100	11420-3	JIK		
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Medical Services trauma center designation					2012-10/92
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency		R426-5	5YR	04/26/2012	2012-10/92
Medical Services trauma center designation					2012-10/92
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services					2012-10/92
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds	36100	R426-5	5YR	04/26/2012	
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services					2012-10/92 2012-15/84
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services	36100	R426-5	5YR	04/26/2012	
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis	36100 36473	R426-5 R510-111	5YR 5YR	04/26/2012 07/11/2012	2012-15/84
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services	36100	R426-5	5YR	04/26/2012	
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry	36100 36473	R426-5 R510-111	5YR 5YR	04/26/2012 07/11/2012	2012-15/84
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction	36100 36473 36164	R426-5 R510-111 R58-21	5YR 5YR AMD	04/26/2012 07/11/2012 07/10/2012	2012-15/84
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry	36100 36473	R426-5 R510-111	5YR 5YR	04/26/2012 07/11/2012	2012-15/84
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality	36100 36473 36164	R426-5 R510-111 R58-21	5YR 5YR AMD	04/26/2012 07/11/2012 07/10/2012	2012-15/84
trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries	36100 36473 36164 35779	R426-5 R510-111 R58-21 R307-320	5YR 5YR AMD 5YR	04/26/2012 07/11/2012 07/10/2012 02/01/2012	2012-15/84 2012-11/4 2012-4/84
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality	36100 36473 36164 35779 35599	R426-5 R510-111 R58-21 R307-320 R865-6F	5YR 5YR AMD 5YR 5YR	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126
trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries	36100 36473 36164 35779	R426-5 R510-111 R58-21 R307-320	5YR 5YR AMD 5YR	04/26/2012 07/11/2012 07/10/2012 02/01/2012	2012-15/84 2012-11/4 2012-4/84
trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing	36100 36473 36164 35779 35599	R426-5 R510-111 R58-21 R307-320 R865-6F	5YR 5YR AMD 5YR 5YR	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing	36100 36473 36164 35779 35599 36170	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6	5YR 5YR AMD 5YR 5YR AMD	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113
trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing	36100 36473 36164 35779 35599 36170	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6	5YR 5YR AMD 5YR 5YR AMD AMD	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012 01/10/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113 2011-23/90
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing	36100 36473 36164 35779 35599 36170 35425 35873	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6 R909-1 R909-1	5YR 5YR AMD 5YR 5YR AMD AMD AMD	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012 01/10/2012 04/11/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113 2011-23/90 2012-5/99
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing	36100 36473 36164 35779 35599 36170 35425 35873 35427	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6 R909-1 R909-1 R909-16	5YR 5YR AMD 5YR 5YR AMD AMD AMD AMD REP	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012 01/10/2012 04/11/2012 01/10/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113 2011-23/90 2012-5/99 2011-23/92
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing	36100 36473 36164 35779 35599 36170 35425 35873 35427 35256	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6 R909-1 R909-1 R909-16 R909-19	5YR 5YR AMD 5YR 5YR AMD AMD AMD AMD AMD REP AMD	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012 01/10/2012 04/11/2012 01/10/2012 02/07/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113 2011-23/90 2012-5/99 2011-23/92 2011-20/41
Medical Services trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing	36100 36473 36164 35779 35599 36170 35425 35873 35427	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6 R909-1 R909-1 R909-16	5YR 5YR AMD 5YR 5YR AMD AMD AMD AMD REP	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012 01/10/2012 04/11/2012 01/10/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113 2011-23/90 2012-5/99 2011-23/92
trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing trucks Transportation, Motor Carrier	36100 36473 36164 35779 35599 36170 35425 35873 35427 35256	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6 R909-1 R909-1 R909-16 R909-19	5YR 5YR AMD 5YR 5YR AMD AMD AMD AMD AMD REP AMD	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012 01/10/2012 04/11/2012 01/10/2012 02/07/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113 2011-23/90 2012-5/99 2011-23/92 2011-20/41
trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing trucks Transportation, Motor Carrier	36100 36473 36164 35779 35599 36170 35425 35873 35427 35256 35256	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6 R909-1 R909-1 R909-16 R909-19 R909-19	5YR 5YR AMD 5YR 5YR AMD AMD AMD AMD AMD CPR	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012 01/10/2012 04/11/2012 01/10/2012 02/07/2012 02/07/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113 2011-23/90 2012-5/99 2011-23/92 2011-20/41 2012-1/64
trauma center designation Health, Family Health and Preparedness, Emergency Medical Services travel funds Human Services, Aging and Adult Services trichomoniasis Agriculture and Food, Animal Industry trip reduction Environmental Quality, Air Quality trucking industries Tax Commission, Auditing trucks Transportation, Motor Carrier	36100 36473 36164 35779 35599 36170 35425 35873 35427 35256	R426-5 R510-111 R58-21 R307-320 R865-6F R865-6F-6 R909-1 R909-1 R909-16 R909-19	5YR 5YR AMD 5YR 5YR AMD AMD AMD AMD AMD REP AMD	04/26/2012 07/11/2012 07/10/2012 02/01/2012 01/03/2012 07/26/2012 01/10/2012 04/11/2012 01/10/2012 02/07/2012	2012-15/84 2012-11/4 2012-4/84 2012-2/126 2012-11/113 2011-23/90 2012-5/99 2011-23/92 2011-20/41

unarmed combat					
Governor, Economic Development, Pete Suazo Utah Athletic Commission	36002	R359-1	5YR	03/30/2012	2012-8/74
	36130	R359-1-506	AMD	06/30/2012	2012-10/29
unavoidable breakdown					
Environmental Quality, Air Quality	35865	R307-107	R&R	07/31/2012	2012-5/31
underground storage tanks					
Environmental Quality, Environmental Response and	35668	R311-200	AMD	03/09/2012	2012-3/42
Remediation	36057	R311-200	5YR	04/10/2012	2012-9/82
	35447	R311-200 R311-201	AMD	01/13/2012	2012-9/62
	36045	R311-201	5YR	04/10/2012	2011-23/43
	36046	R311-202	5YR	04/10/2012	2012-9/84
	36047	R311-203	5YR	04/10/2012	2012-9/84
	36048	R311-204	5YR	04/10/2012	2012-9/85
	36049	R311-205	5YR	04/10/2012	2012-9/86
	36050	R311-206	5YR	04/10/2012	2012-9/86
	36051	R311-207	5YR	04/10/2012	2012-9/87
	36052	R311-208	5YR	04/10/2012	2012-9/88
	36053	R311-209	5YR	04/10/2012	2012-9/89
	36054	R311-210	5YR	04/10/2012	2012-9/89
	36055	R311-211	5YR	04/10/2012	2012-9/90
	36056	R311-212	5YR	04/10/2012	2012-9/90
unemployed workers	00057	D000 004	E) (D	00/40/0040	0040 40440
Workforce Services, Administration	36357	R982-601	5YR	06/12/2012	2012-13/116
Workforce Services, Unemployment Insurance	35992	R994-207-102	NSC	04/11/2012	Not Printed
unemployment compensation					
	26004	D004 402	EVD	04/05/0010	2012 10/06
Workforce Services, Unemployment Insurance	36091	R994-102	5YR	04/25/2012	2012-10/96
	36092	R994-106	5YR	04/25/2012	2012-10/96
	35992	R994-207-102	NSC	04/11/2012	Not Printed
	36093	R994-303	5YR	04/25/2012	2012-10/97
	36094	R994-401	5YR	04/25/2012	2012-10/97
	36095	R994-402	5YR	04/25/2012	2012-10/98
	36223	R994-403	AMD	07/09/2012	2012-11/159
	35448	R994-403-112c	AMD	01/17/2012	2011-23/98
	36256	R994-404	5YR	05/22/2012	2012-12/92
	36224	R994-405	AMD	07/09/2012	2012-11/164
	36134	R994-405-104	AMD	07/01/2012	2012-10/84
	36257	R994-406	5YR	05/22/2012	2012-12/92
	35455	R994-508	AMD	02/01/2012	2011-23/101
	00.00	. 100 . 000	72	02/01/2012	2011 20/101
uranium mills	00077	D040.04	5)/D	05/04/0040	0040 40/04
Environmental Quality, Radiation Control	36277	R313-24	5YR	05/24/2012	2012-12/84
used oil					
Environmental Quality, Solid and Hazardous Waste	36246	R315-15	5YR	05/17/2012	2012-12/85
•					
USHRAB board meetings					
Administrative Services, Archives	35304	R17-9	NEW	01/30/2012	2011-20/6
HOTAR					
USTAR	20450	D050.4	NIENA/	07/04/0040	0040 44/400
Science Technology and Research Governing Auth.,	36156	R856-1	NEW	07/31/2012	2012-11/108
Administration	26155	D050 0	NIE/A/	07/24/2042	2012 44/442
	36155	R856-2	NEW	07/31/2012	2012-11/110
	36491	R856-2	NSC	07/31/2012	Not Printed
Utah Sewer Management Program					
Environmental Quality, Water Quality	35903	R317-801	NEW	06/21/2012	2012-6/12
adding					_0 0,
utilities					
Public Service Commission, Administration	36167	R746-430	5YR	05/10/2012	2012-11/184
	35506	R746-800	REP	02/07/2012	2012-1/43

utility regulations Public Service Commission, Administration	35505 35925 35507 35896 36208	R746-310-1 R746-310-2 R746-405-2 R746-405-2 R746-405-2	AMD NSC AMD AMD AMD	02/07/2012 03/22/2012 02/07/2012 05/07/2012 07/09/2012	2012-1/38 Not Printed 2012-1/41 2012-6/31 2012-11/102
<u>utility service shutoff</u> Public Service Commission, Administration	35926	R746-320	NSC	03/22/2012	Not Printed
vacations Human Resource Management, Administration	35827 36123	R477-7 R477-7	5YR AMD	02/02/2012 07/02/2012	2012-5/111 2012-10/63
vaccinations Agriculture and Food, Animal Industry Health, Family Health and Preparedness, Licensing	36143 35977	R58-3 R432-40	EMR 5YR	05/08/2012 03/28/2012	2012-11/167 2012-8/77
<u>vehicle maintenance</u> Administrative Services, Fleet Operations	35621	R27-8	5YR	01/05/2012	2012-3/107
<u>vehicle replacement</u> Administrative Services, Fleet Operations	35622	R27-4	5YR	01/05/2012	2012-3/105
vendor approvals Administrative Services, Fleet Operations	35621	R27-8	5YR	01/05/2012	2012-3/107
ventilation Health, Disease Control and Prevention, Environmental Services	36019	R392-510	5YR	04/02/2012	2012-8/75
<u>veterinarians</u> Environmental Quality, Radiation Control	35906	R313-35	5YR	03/02/2012	2012-7/65
victims of crimes Pardons (Board Of), Administration	35738	R671-203	5YR	01/31/2012	2012-4/110
<u>visibility</u> Environmental Quality, Air Quality	36336	R307-406	5YR	06/06/2012	2012-13/102
<u>visitation</u> Corrections, Administration	35754 36039	R251-305 R251-305	EXT 5YR	01/31/2012 04/06/2012	2012-4/121 2012-9/77
<u>volunteers</u> Human Resource Management, Administration	35834 36127	R477-13 R477-13	5YR AMD	02/03/2012 07/02/2012	2012-5/115 2012-10/81
Human Services, Aging and Adult Services Transportation, Operations, Maintenance	36473 35669	R510-111 R918-4	5YR AMD	07/11/2012 03/12/2012	2012-15/84 2012-3/82
<u>vulnerable adults</u> Human Services, Aging and Adult Services	36475	R510-302	5YR	07/11/2012	2012-15/85
<u>wages</u> Labor Commission, Antidiscrimination and Labor, Labor	35833	R610-3-21	AMD	04/16/2012	2012-5/88
waivers Health, Health Care Financing, Coverage and Reimbursement Policy	36085	R414-307	5YR	04/17/2012	2012-10/91
waste disposal Environmental Quality, Solid and Hazardous Waste	35988 35432 35433	R315-304 R315-312-1 R315-315-5	5YR AMD AMD	03/29/2012 01/13/2012 01/13/2012	2012-8/74 2011-23/59 2011-23/60
Environmental Quality, Water Quality	35434 36387	R315-320-2 R317-560	AMD 5YR	01/13/2012 06/18/2012	2011-23/61 2012-14/66

waste water Environmental Quality, Water Quality	36135	R317-11	AMD	06/27/2012	2012-10/23
wastewater Environmental Quality, Water Quality	36190 36456 36387	R317-3 R317-100 R317-560	5YR 5YR 5YR	05/15/2012 07/11/2012 06/18/2012	2012-11/179 2012-15/78 2012-14/66
wastewater treatment Environmental Quality, Water Quality	36457	R317-10	5YR	07/11/2012	2012-15/78
water Natural Resources, Water Rights	36382	R655-15	5YR	06/15/2012	2012-13/113
water commissioner Natural Resources, Water Rights	36382	R655-15	5YR	06/15/2012	2012-13/113
water policy Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	35797	R643-879	5YR	02/01/2012	2012-4/104
water pollution Environmental Quality, Water Quality	35359 35359 36190 36388 35238 36457 35726	R317-2 R317-2 R317-3 R317-5 R317-8 R317-10 R317-12	AMD CPR 5YR 5YR AMD 5YR 5YR	04/01/2012 04/01/2012 05/15/2012 06/18/2012 01/25/2012 07/11/2012 01/25/2012	2011-21/78 2012-4/40 2012-11/179 2012-14/65 2011-19/31 2012-15/78 2012-4/89
water quality Environmental Quality, Water Quality	36190 36544	R317-3 R317-6	5YR 5YR	05/15/2012 07/26/2012	2012-11/179 2012-16/192
water quality standards Environmental Quality, Water Quality	35359 35359	R317-2 R317-2	AMD CPR	04/01/2012 04/01/2012	2011-21/78 2012-4/40
water rights Natural Resources, Water Rights	36381	R655-6	5YR	06/15/2012	2012-13/113
water rights procedures Natural Resources, Water Rights	36380	R655-2	5YR	06/15/2012	2012-13/112
water slides Health, Disease Control and Prevention, Environmental Services	35707	R392-302	5YR	01/20/2012	2012-4/93
weapons Human Services, Juvenile Justice Services Human Services, Substance Abuse and Mental Health, State Hospital	36043 35593	R547-14 R525-6	5YR AMD	04/09/2012 02/21/2012	2012-9/93 2012-2/98
welfare Human Services, Recovery Services	36346	R527-3	5YR	06/12/2012	2012-13/108
white collar contests Governor, Economic Development, Pete Suazo Utah Athletic Commission	36002	R359-1	5YR	03/30/2012	2012-8/74
white-collar contests Governor, Economic Development, Pete Suazo Utah Athletic Commission	36130	R359-1-506	AMD	06/30/2012	2012-10/29
wildlife Natural Resources, Wildlife Resources	36149	R657-2	5YR	05/04/2012	2012-11/181

	36280 35520 36158 35440 35209 35734 36150 36003 36637 35733 35211 35435 35210 35909 36392 36004 35439 35438 35436 36159 36363 36545	R657-4 R657-5 R657-5 R657-13 R657-17 R657-20 R657-22 R657-27 R657-28 R657-28 R657-33 R657-38 R657-42 R657-43 R657-43 R657-44 R657-50 R657-58 R657-59 R657-62 R657-62 R657-64 R657-64	5YR AMD AMD AMD AMD SYR 5YR 5YR SYR AMD AMD AMD AMD AMD AMD AMD AMD AMD SYR 5YR SYR AMD	05/29/2012 02/07/2012 07/09/2012 01/10/2012 01/10/2012 04/02/2012 05/04/2012 04/02/2012 08/13/2012 04/02/2012 01/10/2012 01/10/2012 01/10/2012 06/19/2012 04/02/2012 04/02/2012 06/19/2012 04/02/2012 01/10/2012 01/10/2012 01/10/2012 01/10/2012 01/10/2012 07/09/2012 08/07/2012 08/08/2012	2012-12/87 2012-1/29 2012-11/85 2011-23/75 2011-18/63 2012-4/25 2012-11/182 2012-8/89 Not Printed 2012-4/32 2011-18/65 2011-23/76 2011-18/71 2012-7/70 2012-14/72 2012-8/89 2011-23/79 2011-23/80 2011-23/85 2012-11/86 2012-13/72 Not Printed
wildlife conservation Natural Resources, Wildlife Resources	35211	R657-38	AMD	01/10/2012	2011-18/65
wildlife law Natural Resources, Wildlife Resources	35440 36150 36003 35439 36363 36545	R657-13 R657-22 R657-27 R657-58 R657-64 R657-64	AMD 5YR 5YR AMD NEW NSC	01/10/2012 05/04/2012 04/02/2012 01/10/2012 08/07/2012 08/08/2012	2011-23/75 2012-11/182 2012-8/89 2011-23/79 2012-13/72 Not Printed
withholding tax Tax Commission, Auditing	35604	R865-14W	5YR	01/03/2012	2012-2/132
witness fees Labor Commission, Adjudication	36399	R602-1	5YR	06/19/2012	2012-14/70
women Health, Family Health and Preparedness, WIC Services	35812 35813 35814 35815 35816	R406-100 R406-200 R406-201 R406-202 R406-301	5YR 5YR 5YR 5YR 5YR	02/02/2012 02/02/2012 02/02/2012 02/02/2012 02/02/2012	2012-5/104 2012-5/105 2012-5/105 2012-5/106 2012-5/106
wood furniture Environmental Quality, Air Quality	35787	R307-343	5YR	02/01/2012	2012-4/89
work zone traffic control Transportation, Operations, Traffic and Safety	36610	R920-3	EXT	08/01/2012	2012-16/203
work-based learning programs Education, Administration	35938	R277-916	AMD	05/08/2012	2012-7/35
workers' compensation Administrative Services, Risk Management Labor Commission, Adjudication Labor Commission, Industrial Accidents Workforce Services, Unemployment Insurance	36287 36400 36402 36454 36256	R37-2 R602-2 R612-1 R612-1-10 R994-404	5YR 5YR 5YR NSC 5YR	05/30/2012 06/19/2012 06/19/2012 07/25/2012 05/22/2012	2012-12/81 2012-14/71 2012-14/71 Not Printed 2012-12/92
x-rays Environmental Quality, Radiation Control	35906	R313-35	5YR	03/02/2012	2012-7/65