

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed April 15, 2000, 12:00 a.m. through May 1, 2000, 11:59 p.m.

Number 2000-10  
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Kenneth A. Hansen, Director  
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the 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 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

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## EDITOR'S NOTE

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### NOTICE OF PUBLICATION ERROR IN THE MAY 1, 2000, ISSUE OF THE *UTAH STATE BULLETIN*

In the May 1, 2000, issue of the *Utah State Bulletin* (2000-9), due to a clerical error at the Division of Administrative Rules, the notice of effective date for a new rule was published under the wrong rule number: R309-104. The correct rule number for the notice for Environmental Quality, Drinking Water under DAR No. 22605 is R309-405, entitled "Compliance and Enforcement: Administrative Penalty."

*If you have any questions regarding any of these corrections, please contact Nancy Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, phone: (801) 538-3218, FAX: (801) 538-1773, or Internet E-mail: [nlancast@das.state.ut.us](mailto:nlancast@das.state.ut.us).*

**End of the Editor's Notes Section**

# SPECIAL NOTICES

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## PROCLAMATION

**WHEREAS**, since the close of the 2000 General Session of the 53rd 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 Legislature in Extraordinary Session;

**NOW, THEREFORE, I, MICHAEL O. LEAVITT**, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 53rd Legislature of the State of Utah into a Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of May, 2000, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2000 General Session of the 53rd Legislature of the State of Utah.

**IN WITNESS WHEREOF**, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 2nd day of May, 2000.

(STATE SEAL)

**MICHAEL O. LEAVITT**  
Governor

**OLENE S. WALKER**  
Lieutenant Governor

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## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT, LIBRARY

### PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications List No. 00-08, dated April 14, 2000, and List No. 00-09, dated May 1, 2000. For copies of the complete lists, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773. These lists are available on the World Wide Web at: <http://www.state.lib.ut.us/publicat/publicat.htm>.



## NOTICES OF PROPOSED RULES

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A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between May 1, 2000, 12:00 a.m., and May 1, 2000, 11:59 p.m., are included in this, the May 15, 2000, issue of the *Utah State Bulletin*.

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

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are 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 June 14, 2000. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through September 12, 2000, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

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

Alcoholic Beverage Control,
Administration
R81-1-12
Alcohol Training and Education
Seminar

1625 South 900 West
PO Box 30408
Salt Lake City, UT 84130-0408, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Clara Fritz or Earl Dorius at the above address, by phone at
(801) 977-6800, by FAX at (801) 977-6889, or by Internet E-
mail at abcmain.cfriz@state.ut.us.

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22812
FILED: 05/01/2000, 10:56
RECEIVED BY: NL

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE
BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO
LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Kenneth F. Wynn, Director

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To
comply with change in statute as a result of H.B. 209, Driving
Under the Influence (DUI) Amendments.

(DAR Note: H.B. 209 is found at 2000 Utah Laws 334, and
was effective May 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: Requires training of
Department of Alcoholic Beverage Control (DABC) licensee
alcohol server employees within 30 days of commencing
employment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS
RULE: Sections 32A-1-107, 32A-1-401, and 62A-8-103.5

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: None--licensees of the Department of
Alcoholic Beverage Control have been required to train their
alcohol beverage server employees since 1987. H.B. 209
changed the time in which to do this training from within 6
months of commencing employment to within 30 days of
commencing employment.

LOCAL GOVERNMENTS: Local government is not involved in
alcohol server training. DABC licensees will be required to
train their alcohol beverage server employees within 30 days
of commencing employment.

OTHER PERSONS: None--licensees of the Department of
Alcoholic Beverage Control and their employees who serve
alcoholic beverages are the only persons affected by this law.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the new
law changes the time frame in which to have employees
alcohol server trained from within 6 months of employment to
within 30 days of employment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT
THE RULE MAY HAVE ON BUSINESSES: The new law did not
increase any fees connected with alcohol server training;
therefore, there should be no additional costs incurred by
DABC licensees. Licensees will be required to have their
alcohol server employees trained within 30 days of the date
the person commences employment.

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

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope of Definitions, and General Provisions.
R81-1-12. Alcohol Training and Education Seminar.

(1) The alcohol training and education seminar, as described
in Section 62A-8-103.5, shall be completed by every employee of
every new and renewing licensee under Title 32A who sells or
furnishes alcoholic beverages to the public within the scope of his
employment for consumption on the premises. Employees must
complete the training within [six months]30 days of commencing
employment. Each licensee shall maintain current records on each
employee indicating: (1) date of hire, and (2) date of completion of
training.

(2) The seminar shall include the following subjects in the
curriculum and training:

- (a) alcohol as a drug and its effect on the body and behavior;
(b) recognizing the problem drinker;
(c) an overview of state alcohol laws;
(d) dealing with problem customers; and
(e) alternate means of transportation to get a customer safely
home.

(3) Persons required to complete the seminar shall pay a fee
to the seminar provider.

(4) The seminar is administered by the Division of Substance
Abuse of the Utah Department of Human Services.

KEY: alcoholic beverages

[March 27, ]2000

Notice of Continuation January 10, 1997

- 32A-1-107
32A-1-119(5)(c)
32A-3-103(1)(a)
32A-4-103(1)(a)
32A-4-203(1)(a)
32A-5-103(3)(c)
32A-6-103(2)(a)
32A-7-103(2)(a)
32A-8-103(1)(a)
32A-9-103(1)(a)
32A-10-203(1)(a)
32A-11-103(1)(a)



Commerce, Occupational and  
Professional Licensing  
**R156-56**  
Utah Uniform Building Standard Act  
Rules

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22790

FILED: 04/18/2000, 12:24

RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The division needs to make amendments to the rules that have been recommended and approved by the Uniform Building Code Commission.

**SUMMARY OF THE RULE OR CHANGE:** Subsection R156-56-105(8): Technical correction changing "he" to "the member." Subsection R156-56-105(9): Deleted the requirement that compliance agencies forward copies of board of appeal decision to the division. This is beyond the authority of the division to require. Subsection R156-56-601(3): Deleted the provision which allows the division to inspect modular units. The division is prohibited by statute from engaging in such inspections. Subsection R156-56-701(1)(c): Updated specific edition of the International Plumbing Code from the 1997 edition to the 2000 edition and made it effective January 1, 2001. Subsections R156-56-701(1)(e) and R156-56-701(1)(f), and Subsection R156-56-701(4): Federal law prohibits the state from preventing manufactured homes from being installed in the state even if the home does not meet local snow load requirements. However, federal law does allow the state to require protective structures to be built to protect such homes. There are certain counties where roofs would cave in from normal winter snow loads if the protective structures were not required. These additions are made to conform to federal requirements. The manufacturer can voluntarily build the home to meet the snow load requirements and avoid the requirement for the protective structure. Sections R156-56-704, R156-56-705, R156-56-706, R156-56-707, and R156-56-708: Paragraph numbering and some new section numbering have been added for clarity and to conform with rule writing requirements. Subsection R156-56-704(7): Amendment is being proposed to Chapter 9, Section 310.7 of the Uniform Building Code (UBC) at the request of Salt Lake City and the Salt Lake City Downtown Housing Committee to allow smaller units to be built for efficiency dwelling units. This change will allow new housing to be built to replace older housing that is of the same size or even smaller. Without the smaller size allowed, new housing cannot economically compete with older housing. Therefore, without the change, older housing will be the only source of housing for many tenants who need this type of housing. Subsection R156-56-705(2): Addition of an amendment to Section 904.2.10 of the UBC affecting City of Farmington. This addition is being requested by Farmington

City. This additional restriction is needed to assure adequate fire safety in homes which are being built on streets with steep grades which are difficult for fire department service to the area. Subsection R156-56-706(707) regarding statewide amendments to the International Plumbing Code (IPC): As a result of the update from the 1997 to the 2000 edition of the IPC, a number of changes are made simply to conform to the updated code version. These are mostly technical changes without substantial impact. The reason for most of the deleted items is that the item has now been adequately addressed in the 2000 code version.

**(DAR Note:** An additional amendment to R156-56-706 appears in this *Bulletin* under DAR No. 22791.)

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-56-1; and Subsections 58-56-4(2), 58-1-106(1), and 58-1-202(1)

**THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL:** 2000 edition of the International Plumbing Code (to become effective January 1, 2001)

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** These proposed changes should not affect the state government budget other than as it may apply to new buildings that the state government may be constructing. It is impossible to determine if any of the changes would affect such buildings or if the effect would be positive or negative. The division will incur minimal costs to reprint the rules once they are made effective. Any costs associated with printing will be absorbed in the division's current budget. Also, there will be a cost of \$45 per copy to obtain the new 2000 International Plumbing Code book for any persons in state government who are required to use this code book.

❖**LOCAL GOVERNMENTS:** These changes should not affect local budgets other than as it may apply to new buildings that the local government may be constructing. It is impossible to determine if any of the changes would affect such buildings or if the effect would be positive or negative. There will be a cost of \$45 per copy to obtain the new 2000 International Plumbing Code book for any persons in local governments who are required to use this code book.

❖**OTHER PERSONS:** Due to the inability to determine how many projects would be affected, an aggregate impact is impossible to determine (see compliance costs for affected persons below). The division is unable to determine an aggregate amount for the cost of obtaining the 2000 International Plumbing Code book since it is unable to determine how many persons use this book. Therefore, only a single copy cost of the code book is being identified. There will be a cost of \$45 per copy to obtain the new 2000 International Plumbing Code book for any persons who are required to use this code book.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The compliance costs of sections which have a financial impact are itemized by section change as follows: Technical amendments (renumbering): No change in costs. The change involving manufactured housing protective structures could have a potential cost of \$10,000 to \$15,000 per structure to

complete the protective structure, or approximately \$5,000 per structure to build the roof to meet local snow load requirements. However, without the protection, the homeowner would likely be subject to costly roof collapses from normal winter snow loads. The overall impact in the long term should be a savings to the homeowner who does not have to deal with the consequences of inadequate roof structures. The change involving efficiency dwelling units should result in a cost savings of approximately \$11,000 per dwelling unit. The change involving additional fire protection for certain structures in Farmington City which may be located in certain areas is estimated to cost \$8,000 to \$10,000 for each affected structure. Farmington City estimates that approximately 30 homes may be affected by the requirements. The updates to the newer edition of the International Plumbing Code may have some individual cases of minor increased or lowered costs for portions of a construction project; however overall the changes are not expected to result in substantial change to construction costs. There will be a cost of \$45 per copy to obtain the new 2000 International Plumbing Code book for any persons who are required to use this code book.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule change is primarily to make technical changes, to adopt and implement the current version (2000 edition) of the International Plumbing Code, and to remove requirements which are beyond the scope of the division's authority to require or enforce. The proposed rule also incorporates a change requested by Farmington City inserted to assure adequate fire safety in homes built on steep grades creating difficulty for firefighters. The amendments also address the requirement of either strengthened roofs or protective structures to protect manufactured housing from snow load collapse or damage. Additionally, at the request of Salt Lake City, smaller dwelling units are being authorized to be built to allow for affordable housing. The adoption of the proposed rule changes will not have any fiscal impact upon the state budget or upon local governments except insofar as the requirements of the rules may impact upon the cost of new buildings being built by the state or local governments. The aggregate cost of the amendments upon regulated entities is unknown due to the lack of knowledge of potentially impacted projects. However, it is estimated that the cost of strengthening a roof to meet Utah snow loads would be \$5,000 per unit. If a protective structure is erected instead of strengthened roof, the cost would be approximately \$10,000 to \$15,000 per unit. The additional fire protection requirements of Farmington City will result in an increased cost of approximately \$10,000 per home for each of the estimated 30 homes which might be affected by the requirements. The decrease in the size of efficiency dwelling units is estimated to carry a savings of approximately \$11,000 per dwelling unit constructed under the proposed rule change--Douglas C. Borba

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

Commerce  
Occupational and Professional Licensing

Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.dsJones@email.state.ut.us](mailto:brdopl.dsJones@email.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/15/2000, 9:00 a.m., 4112 State Office Building, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Diane J. Blake, Assistant Director

**R156. Commerce, Occupational and Professional Licensing.**

**R156-56. Utah Uniform Building Standard Act Rules.**

**R156-56-105. Board of Appeals.**

If the commission is required to act as an appeals board in accordance with the provisions of Subsection 58-56-8(3), the following shall regulate the convening and conduct of the special appeals board:

(1) If a compliance agency refuses to establish a method of appeal regarding a uniform building standard issue, the appealing party may petition the commission to act as the board of appeals.

(2) The person making the appeal shall file the request to convene the commission as an appeals board in accordance with the requirements for a request for agency action, as set forth in Subsection 63-46b-3(3)(a) and Section R151-46b-7. A request by other means shall not be considered. Any request received by the commission or division by any other means shall be returned to the appellant with appropriate instructions.

(3) A copy of the final written decision of the compliance agency interpreting or applying a code which is the subject of the dispute shall be submitted as an attachment to the request. If the person making the appeal requests, but does not timely receive a final written decision, the person shall submit an affidavit to this effect in lieu of the final written decision.

(4) The request shall be filed with the division no later than 30 days following the issuance of the disputed written decision by the compliance agency.

(5) The compliance agency shall file a written response to the request not later than 20 days after the filing of the request. The request and response shall be provided to the commission in advance of any hearing in order to properly frame the disputed issues.

(6) Except with regard to the time period specified in Subsection (7), the time periods specified in this section may, upon a showing of good cause, be modified by the presiding officer conducting the proceeding.

(7) The commission shall convene as an appeals board within 45 days after a request is properly filed.

(8) Upon the convening of the commission as an appeals board, the board members shall review the issue to be considered to determine if a member of the board has a conflict of interest which would preclude ~~him~~ the member from fairly hearing and deciding the issue. If it is determined that a conflict does exist, the member shall be excused from participating in the proceedings.

(9) The hearing shall be a formal hearing held in accordance with the Utah Administrative Procedures Act, Title 63, Chapter 46b.

(10) Decisions relating to the application and interpretation of the code made by a compliance agency board of appeals shall be binding for the specific individual case and shall not require commission approval. ~~[Copies of compliance agencies board of appeals decisions shall be submitted to the division as a means of a record.]~~

#### **R156-56-601. Modular Unit Construction and Set-up.**

Modular construction and set-up shall be as set forth in accordance with the following:

(1) Construction shall be in accordance with the building standards accepted by the state pursuant to Section 58-56-4.

(2) The inspection of the construction, modification of or set-up of a modular unit shall be the responsibility of the local regulator; however, nothing in these rules shall preclude the local regulator from entering into an agreement with another qualified person for the inspection of the unit(s) in the manufacturing facility. ~~—(3) The division upon request by a local jurisdiction may inspect modular units built in the State of Utah.~~

#### **R156-56-701. Specific Editions of Uniform Building Standards.**

(1) In accordance with Subsection 58-56-4(3), the following Uniform Building Standards are hereby incorporated by reference and adopted as the building standard editions to be applied to construction in the state:

(a) the 1997 edition of the Uniform Building Code (UBC) promulgated by the International Conference of Building Officials (ICBO);

(b) the 1999 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2000;

(c) the ~~[1997]~~ 2000 edition of the International Plumbing Code (IPC) promulgated by the International Code Council, to become effective January 1, 2001;

(d) the 1998 ICC edition of the International Mechanical Code (IMC), as published and promulgated by the International Code Council (ICC);

(e) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990; and

(f) subject to the provisions of Subsection (4), the 1994 edition of NCSBCS A225.1 Manufactured Home Installations promulgated by the National Conference of States on Building Codes and Standards (NCSBCS).

(2) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.

(3) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction or NCSBCS/ANSI 225.1, Manufactured Home Installations, provided the design is approved in writing by a professional engineer or architect licensed in Utah. Guidelines for Manufactured Housing Installation as promulgated by the International Conference of Building Officials may be used as a reference guide.

(4) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-704; however all such homes which fail to meet the standards of Subsection R156-56-704 shall have a protective structure built over the home which meets the Uniform Building Code and the snow load requirements under Subsection R156-56-704.

#### **R156-56-704. Statewide Amendments to the UBC.**

~~[(1) Statewide Amendments]~~ The following are adopted as amendments to the UBC to be applicable statewide:

(1) Chapter 1, Section 101.3 is amended by adding the following paragraph:

"The appendix chapters of this code are approved for adoption in each political subdivision of the State provided that each said political subdivision shall furnish to the Division a list of adopted chapters of the appendix to be kept on file. Where this code is not adopted by any political subdivision, the use of the appendix chapters shall be as determined by the Division with the concurrence of the Commission".

(2) Chapter 1, Section 104.1 is amended as follows:

"There is hereby established in each political subdivision of the state a code enforcement agency which shall be under the administrative and operational control of the building official. The building official shall be appointed by the local regulator. If the local regulator fails to appoint a building official, the Director of the Division of Occupational and Professional Licensing with the Commission shall appoint one".

(3) Chapter 1, Section 109.1 is amended by replacing the exception with the following:

EXCEPTION: Group R, Division 3 and Group U Occupancies; provided local jurisdictions may require a certificate of occupancy for Group R, Division 3 occupancies.

(4) Chapter 3, Section 305.1 is amended as follows:

The following exception is added at the end of the section:

EXCEPTION: Areas used for day care purposes may be located in a Group R, Division 3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the Utah Fire Prevention Board Rules (R710-8) for Family Day Care;

2. Use is approved by the State Department of Health as a Residential Certificate Child Care (R430-50) or licensed as a Family Child Care (R430-90); and

3. Compliance with all zoning regulations of the local regulator.

(5) Chapter 3, Section 305.2.3 is amended as follows:

The following section is added after the title of Section 305.2.3 Special Provisions:

305.2.3.1 Kindergarten, first- or second-grade pupils.

Delete in its entirety the last paragraph of Section 305.2.3 which reads "Stages and platforms shall be construed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708".

(6) Chapter 3, Section 305.2.3.3 is added as follows:

305.2.3.3 Other. Stages and platforms shall be constructed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708.

(7) Chapter 9, Section 310.7 is deleted and replaced with the following:

310.7 An efficiency dwelling unit shall conform to the requirements of the code except as herein provided:

1. A single occupancy unit shall have a habitable room of not less than 165 square feet (15.3 m<sup>2</sup>) and a total floor area of not less than 200 square feet (18.6 m<sup>2</sup>). An additional 100 square feet (9.3 m<sup>2</sup>) of superficial floor space shall be added for each additional occupant.

2. The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facility, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to the code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. When the unit is required to have a fire sprinkler system, the unit shall have at least one sprinkler head in every room and closet.

(8) Chapter 9, Section 904.1.1. is amended to add a fifth paragraph as follows:

Section 904.1.1. General; Protection against backflow shall be provided per Section 608.16.4 of the International Plumbing Code.

(9) Chapter 10, Section 1004.3.4.3.2.1, Doors is amended by renumbering the existing exception as No. 1 and adding Exception 2. as follows:

2. In Group E-1 and E-2 occupancies that are fully protected by an approved fire sprinkler system, the door closers may be of the friction hold open type on classrooms only. In non-sprinkled E-1 and E-2 occupancies, classroom doors shall be held open only by a magnetic hold open device.

(10) Chapter 10, Section 1003.3.3.6 is amended by adding an exception to the third paragraph as follows:

Exception: Handrails serving an individual unit in a Group R, Division 1 or Division 3 Occupancy may have either a circular cross section with a diameter of 1 1/4 inches (32 mm) to 2 inches (51 mm), or a non-circular cross section with a perimeter dimension of at least 4 inches (102 mm) but not more than 6 5/8 inches (168 mm) and a largest cross sectional dimension not exceeding 3 1/4 inches (83 mm). The perimeter on non-circular cross sections shall be measured from one side of the cross section, 2 inches (51 mm) down from the top or crown.

An indentation is required on both sides of non-circular handrail cross sections. This indentation must be in the area of the sides between 5/8 inch (16 mm) and 1 1/2 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 1/4 inch (6 mm) deep on each side and shall be at least 1/2 inch (13 mm) high.

Edges within the handgrip shall have a minimum radius of 1/16 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(11) Chapter 11, Section 1103.1.9.3 is amended as follows:

The following is added as Exception 6:

6. When a change of use in the building or portion of the building results in multi-unit dwellings as defined in this section, only 20% of the dwelling units need to be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units, shall be Type A dwelling units.

(12) Chapter 16, Section 1612.3.2, Exception 2 is amended to read as follows:

2. Snow loads over 30 psf may be reduced in accordance with Section 1630.1.1, Item 3 (amended), and snow loads 30 psf or less need not be combined with seismic.

(13) Chapter 16, Section 1630.1.1, Item 3 is amended as follows:

3. Design snow loads of 30 psf or less need not be included. Where the snow load exceeds 30 psf, the snow load shall be included. The snow load shall be adjusted in accordance with the following formula:  $W_s = (0.25 + 0.025(A-5))P_f$

WHERE:  $W_s$  = Weight of snow to be included in seismic calculations;

A = Elevation above sea level at the location of the structure in question (ft/1000);

$P_f$  = Design roof snow load, psf.

(14) Chapter 18, Section 1806 is amended by revising the section heading as follows:

Section 1806 Footings and Foundations.

(15) Chapter 18, Section 1806.6.1 is amended by adding the following exception at the end of that section:

Exception: When anchor bolt spacing does not exceed 32 inches on center.

(16) Chapter 18, Section 1806.11 is added as follows:

1806.11 Empirical foundation design. Group R, Division 3 occupancies three stories or less in height, and Group U occupancies, which are constructed in accordance with Section 2320, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, may have foundations constructed in accordance with Table 18-I-D.

TABLE 18-1-D  
Empirical Foundation Walls (1,8)

	2'	4'	6'	8'	9'	Over 9'
Max. Height						
Top Edge Support	None	None	Floor or roof diaphragm	Same as 6'	Same as 6'	Engineering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Steel (2)	Note (5)	#4 @ 24"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel (3)	2-#4 Bars	3-#4 Bars	4-#4 Bars	5-#4 Bars	6-#4 Bars	Same as above

Steel at Openings(4)	2-#4 Bars above; 1-#4 Bar each side	2-#4 Bars above; 1-#4 Bar each side	2-#4 Bars above; 1-#4 Bar each side	2-#4 Bars above; 1-#4 Bar each side	2-#4 Bars above; 1-#4 Bar each side	Same as above
Max. Lintel Length	2'	3'	6'	6'	6'	Same as above
Min. Lintel Depth	2" for each ft. of opening width; Min. 6"	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above
Max. Grade Differential	1'6" (6)	3'6" (6)	5" (7)	5" (7)	5" (7)	Same as above

Notes:

- (1) Based on 3000 psi concrete and grade 60 reinforcing steel - special inspection is not required.
- (2) To be placed in the center of the wall, and extend from the footing to within three inches of the top of the wall; Dowels of #4 rebar with standard hook shall be provided in the footing to match the vertical steel, with the vertical leg extending 24 inches into the foundation wall.
- (3) One bar shall be located in the top four inches, one bar in the bottom four inches and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1806.7.1. Corner reinforcing shall be provided so as to lap 24 inches.
- (4) Bars shall be placed within two inches of the openings and extend 24 inches beyond the edge of the opening; vertical bars may terminate three inches from the top of the concrete.
- (5) Dowels of #4 rebar at 24 inches on center with a standard hook, shall be provided in the footing, with the vertical leg extending to within three inches of the top of the foundation wall.
- (6) Difference in grade from one side of the wall to the other.
- (7) Difference in grade from the highest grade to the lowest grade on the perimeter of the foundation.
- (8) The footing shall have a minimum width of 20 inches and a minimum thickness of nine inches.

(17) Chapter 23, Section 2316.2, Item 6 is amended by adding footnote 3, reference from "two months", to read as follows:

(6) When the accumulated duration of the full maximum load during the life of the member does not exceed the period indicated below, the values may be increased in the tables as follows:  
3 as for snow below 5000 feet elevation.

(18) Chapter 23, Section 2307 is amended by adding exception 5 as follows:

5. Veneer of brick or stone applied as specified in Section 1403.6 may be supported on structural glued-laminated timber or laminated veneer lumber provided that the beam be designed to limit the dead load deflection to 1/800 of the span and the total load deflection to 1/600 of the span with due consideration given for shrinkage and creep. The beam shall be protected from exposure to weather as required for dwelling under Section 1402.1.

(19) Chapter 34, Section 3403.2 is amended as follows:

The following is added after the exceptions:

Buildings constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when

said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 and U occupancies.

Original plans and/or structural calculations may be utilized to demonstrate that the parapets or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Zones Nos. 3 and 4. If the required parapet height exceeds this maximum height, a bracing system designed for the forces specified in Table 16-0 for walls shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors are required. Approved alternate methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(20) Appendix Chapter 3, Division IV, Requirements for Group R, Division 4 Occupancies, is adopted as a part of the UBC and incorporated by reference.

(21) Appendix Chapter 11, Division I, Site Accessibility, is adopted as a part of the UBC and incorporated by reference.

(22) Appendix Chapter 11, Division II, Accessibility For Existing Buildings, is adopted as a part of the UBC and incorporated by reference.

(23) Appendix Chapter 13, Energy Conservation in New Building Construction, is adopted as a part of the UBC and incorporated by reference.

(24) Appendix Chapter 13, Section 1302.2 is amended as follows:

In order to comply with the purpose of this appendix, low-rise residential buildings shall be designed to comply with the requirements of the Model Energy Code promulgated jointly by the International Conference of Building Code Officials (ICBO); the Southern Building Code Congress International, Inc. (SBCCI); the Building Officials and Code Administrators International, Inc. (BOCA); and the National Conference of States on Building Codes and Standards, dated 1995. Commercial and high-rise residential buildings shall be designed to comply with the requirements of the Energy Code for Commercial and High-Rise Residential Building, which is a codification of ASHRAE/IES Standard 90.1 - 1989, Energy Efficient Design of New Buildings except Low-Rise Residential Buildings.

(25) The Model Energy Code is amended as follows:

Section 502.2.1 Walls is amended as follows:

Equation 1 shall be used to determine acceptable combinations to meet this requirement, and when metal studs are used, U<sub>w</sub>-values shall be those calculated using appropriate correction factors for thermal bridging of insulation as published in Section 8 of RS-1; or calculated using ASHRAE RS-4 approved methodology for either serial or parallel path thermal transfer; or U-values compiled in Table 8-Y of the "User's Manual" for ASHRAE/IES Standard 90.1-1989, which is hereby incorporated by reference and which shall be available at all offices issuing building permits or the Division of

Occupational and Professional Licensing or insertion in the Model Energy Code.

Simplified prescriptive maps, tables or other compliance aids, manuals or computer programs as may be supplied by DOE/Pacific Northwest Laboratory or others, when certified by the state or its agencies, may be used to demonstrate energy code compliance.

ASHRAE/IES Standard 90.1-1989 is amended as follows:

Section 101.3.1.2 Exceptions:

(4) The building official may approve designs which do not fully conform with all of the requirements of this code where in the opinion of the building official full compliance is physically impossible and/or economically impractical.

(26) Appendix Chapter 16, Division I, Snow Load Design is adopted and incorporated by reference.

(27) Appendix Chapter 16, Division I, Section 1639 is amended as follows:

The ground snow load,  $P_g$ , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula:  $P_g = (P_o^2 + S^2(A - A_o)^2)^{1/2}$  for A greater than  $A_o$ , and  $P_g = P_o$  for A less than  $A_o$ .

WHERE:

$P_g$  = Ground snow load at a given elevation (psf)

$P_o$  = Base ground snow load (psf) from Table A-16-C

S = Change in ground snow load with elevation (psf/1000 ft), from Table A-16-C

A = Elevation above sea level at the location for which snow load is being determined (ft/1000)

$A_o$  = Asymptote and zero ground snow axis intercept (ft/1000) from Table A-16-C

The ground snow load,  $P_g$ , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record. The building official may round the snow load to the nearest 5 psf.

TABLE NO. A-16-C  
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	$P_o$	S	$A_o$
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Utah	43	63	7.0

Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

(28) Appendix Chapter 29, Minimum Plumbing Facilities, is adopted as a part of the UBC and incorporated by reference.

(29) Appendix Chapter 29 is amended as follows:

The following is added as footnote 7:

7. When provided, there shall be an equal number of diaper changing facilities for men as for women.

(30) Appendix Chapter 30, Elevators, Dumbwaiters, Escalators and Moving Walks, is adopted as a part of the UBC and incorporated by reference.

(31) Appendix Chapter 30, Section 3010 is deleted and replaced with the following:

Section 3010 Definitions. ANSI CODE is the ASME/ANSI A17.1-1996 with Supplements A17.1a-1997, Safety Code for Elevators and Escalators, and American National Standard Published by the American Society of Mechanical Engineers.

(32) Appendix Chapter 30, Section 3012 is deleted and replaced with the following:

Section 3012 ANSI CODE ADOPTED. New elevators, dumbwaiters, escalators and moving walks and major alterations to such conveyances and the installation thereof shall conform to the requirements of the American National Standards Institute ASME/ANSI A17.1-1996 Safety Code for Elevators and Escalators, including Supplements A17.1a-1997, published by the American Society of Mechanical Engineers. Elevators and escalators that are remodeled or upgraded shall conform with ASME/ANSI A17.3-1996, Safety Code for Existing Elevators and Escalators, published by the American Society of Mechanical Engineers.

(33) Appendix Chapter 30, Section 3012 is amended as follows:

The following is added at the end of Section 3012:

Exceptions to ANSI/ASME A17.1:

(1) Delete Rule 102.2(c)(3); and

(2) Rule 102.2(c)(4) shall apply to all elevators except hydraulic elevators with 50 feet of travel or less.

(34) Chapter 9-1 of the UBC Standards is amended as follows:

Replace the current Uniform Building Code Standard 9-1 (NFPA-13, 1991 edition) with the fire sprinkler standard, NFPA-13, 1996 edition.

(35) Chapter 9-3 of the UBC Standards is amended as follows:

Replace the current Uniform Building Code Standard 9-3 (NFPA-13R, 1989 edition) with the fire sprinkler standard, NFPA-13R, 1996 edition.

**R156-56-705. Local Amendments to the UBC.**

The following are adopted as amendments to the UBC to be applicable to the following jurisdictions:

[—(2) Local Amendments]

(1) Beaver County;

[Beaver County adopted] Appendix Chapter 3, Division II is adopted.

(2) City of Farmington;

Section 904.2.10 is adopted as follows:

904.2.10 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in



accordance with NFPA 13-D, when any of the following conditions are present:

1. The structure is over two stories high, as defined by the building code;

2. The nearest point of structure is more than 150 feet from the public way;

3. The floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or

4. The structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief.

(3) Heber City Corporation;

~~[Heber City Corporation adopted]~~ Appendix Chapter 33 is adopted.

(4) Murray City Corporation;

~~[adopted]~~ Appendix Chapter 3 Division II, Appendix Chapter 31 Division III, and Appendix Chapter 33 are adopted.

(5) City of North Salt Lake;

~~[City of North Salt Lake adopted]~~ Appendix Chapter 3, except Section 332, Appendix Chapter 9, Appendix Chapter 12, Division I, Appendix Chapter 15, Appendix Chapter 31, Division II and III and Appendix Chapter 33 are adopted.

(6) City of Orem;

~~[City of Orem adopted]~~ Appendix Chapter 3, Division I, Appendix Chapter 3, Division II, Appendix Chapter 31, Division III, and Appendix Chapter 33 are adopted.

(7) Park City Corporation;

(a) Chapter 9, Section 904.2.1 is amended by adding the following sections:

904.2.1.1 All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

904.2.1.2 All new construction having more than two (2) stories, except R-3 occupancy.

904.2.1.3 All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

904.2.1.4 All new construction in the Historic Commercial Business zone district, regardless of occupancy.

904.2.1.5 All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

904.2.1.6 All existing building within the Historic District Commercial Business zone by August 15, 1996.

~~— Park City Corporation]~~

(b) Chapter 15, Table No. 15-A. The following is added as footnote 5:

5 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE  
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Piñon-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

~~[— Park City Corporation~~

](c) Chapter 33, Section 3306.2 is amended as follows:

Omit paragraph 1 and add a period after the word "excavation" in the third line of paragraph 2 and omit "nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure". Delete paragraphs 8 and 9. Re-number the sections and add a new paragraph 7 requiring a permit for removal of substantial vegetation, shrubs, trees and stabilizing grass, but not to include weeds.

(d) [Park City Corporation adopted] Appendix Chapter 3 Division II, Chapter 4 Division II, Chapter 12 Division II, Chapter 13, Chapter 15, Chapter 30, Chapter 31 Division I and Chapter 33 are adopted.

(8) Salt Lake County;

~~[Salt Lake County adopted]~~ Chapter 15, Chapter 16, Division III, Chapter 31, Division II, Chapter 31, Division III and Chapter 33 are adopted.

(9) City of St. George;

~~[City of St. George adopted]~~ Appendix Chapter 3 and Appendix Chapter 33 are adopted.

(10) Sandy City;

Chapter 9, Section 904.2 is amended as follows:

An automatic fire sprinkler system shall be installed in all occupancies where the required fire flow exceeds 2,000 gallons per minute based on Table A-III-A-1 of the 1994 Uniform Fire Code.

Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R, Division 3 and Group U occupancies.

(11) Summit County;

(a) [Summit County adopted] Appendix Chapter 33 is adopted.

~~— Summit County]~~

(b) Chapter 9, Section 904.2 is amended to include:

1. All new construction having more than 6,000 square feet on any one floor, except R-3 and U occupancies.

2. All new construction having more than two (2) stories, except R-3 and U occupancies.

3. All new construction having three (3) or more dwelling units, including units rented or leased and including condominiums or other separate ownership.

4. All newly constructed structures used as dwelling units in a multi-unit structure shall have at least an one hour fire resistive separation between units.

(12) Washington City;

~~[Washington City adopted]~~ Appendix Chapter 33 is adopted.

(13) City of West Jordan;

~~[City of West Jordan adopted]~~ Appendix Chapter 3, Division II, Appendix Chapter 4, Division II, Appendix Chapter 13 and Appendix Chapter 33 are adopted.

**R156-56-70[5]6. Statewide Amendments to the NEC.**

The following are adopted as amendments to the NEC to be applicable statewide:

~~— (1) Statewide Amendments~~

(1) Section 250-104(b) is deleted and replaced with the following:

Section 250-104(b) Metal Gas Piping. Each above ground portion of a gas piping system upstream from the equipment shutoff valve shall be electrically continuous and bonded to the grounding electrode system.

The bonding jumper shall be sized in accordance with Table 250-122 using the rating of the circuit that may energize the piping. The equipment grounding conductor for the circuit that may energize the piping shall be permitted to serve as the bonding means. Where the circuit that may energize the piping cannot be identified or where the bonding jumper is exposed to physical damage, the minimum size bonding jumper shall be No. 8 solid copper.[

~~— (2) Local Amendments~~

**R156-56-70[6]7. Statewide Amendments to the IPC.**

The following are adopted as amendments to the IPC to be applicable statewide:

~~— (1) Statewide Amendments~~

(1) Section 103.1 is deleted in its entirety.

(2) Section 103.2 is deleted in its entirety.

(3) Section 103.3 is deleted in its entirety.

(4) Section 103.4 is deleted in its entirety.

(5) Section 103.5 is renumbered as Section 103.1.

(6) Section 107.1.1 is deleted in its entirety.

(7) Section 109 is retitled as "Board of Appeal".

(8) Section 109.1 is deleted and replaced with the following:

109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a local board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the code official.

(9) Sections 109.2 through 109.7 are deleted in their entirety.[

~~— Section 202 General Definitions is revised as follows:]~~

(10) In Section 202, the[The] definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(11) In Section 202, the[The] definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric

pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(12) In Section 202, the[The] following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.[

~~— The definition for "Code Official" is deleted and replaced with the following:~~

~~— Code Official. The individual official, board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended. This definition shall include the code official's duly authorized representative.]~~

(13) In Section 202, the[The] definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").[

~~— The following definition is added:~~

~~— Emergency Floor Drain. A floor drain installed for the primary purpose of collecting water from emergency spills or water line breaks.]~~

(14) In Section 202, the[The] following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(15) In Section 202, the[The] definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(16) In Section 202, the[The] definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(17) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(18) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the

authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in Section 608.16.4.

(19) Section 403.1 is deleted and replaced with the following:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Appendix Chapter 29, Uniform Building Code.

(20) Table 403.1 is deleted in its entirety.

(21) Section 403.2 is deleted and replaced with the following:

403.2 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

(22) Sections 403.4, 403.5 and 403.6 are deleted in their entirety.

~~Section 409.1 is deleted and replaced with the following:~~

~~409.1 Approval. Domestic dishwashing machines shall conform to ASSE (American Society of Sanitary Engineering) 1006. Commercial dishwashing machines shall conform to ASSE 1004, NSF (National Sanitary Foundation) 3 or NSF 26.~~

~~Section 409.3 is deleted and replaced with the following:~~

~~Section 409.3 Waste connection. Domestic pump-type dishwashers may be directly connected to the inlet side (top or head) of an approved food waste disposal unit or a branch tailpiece in the tailpiece of the sink, by the drain hose being extended and secured as high as possible under the bottom of the counter top before it is connected to the branch tailpiece located above the trap or to an approved food waste disposal unit.~~

(23) Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one of the following:

1. one floor drain with a wall mounted hose bibb[?];
2. one floor drain with a deep seal trap; or
3. at least one emergency floor drain with trap primer.

(24) Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.[

~~Section 425.1.1 - The following exception is added after the paragraph:~~

~~Exception: Multiple urinals with an automatic flushing device:]~~

(25) Section 502.6 is ~~added as follows~~ deleted and replaced with the following:

502.6 Water Heater Seismic Bracing. ~~In seismic zones 3 and 4, w~~Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(26) Section ~~[504.8.1]~~504.7.1 is amended as follows:

The measurement of "[+]3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

(27) Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

(28) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

(29) Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(30) Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exceptions:

[Exception: 1)]A. bath tubs and showers.

[Exception: 2)]B. in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. [On the water supply pipe to each sillcock;

~~3.]~~On the water supply pipe to each appliance or mechanical equipment.

(31) Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

(32) Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

(33) In Section 608.1, ~~the~~ the following sentence is added at the end of the paragraph:

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

(34) Table 608.1 is deleted and replaced with the following:

TABLE 608.1  
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013, CSA CNA/CSA-B64.4) and Reduced Pressure	High or Low	Backpressure or Backsiphonage 1/2" - 16"	a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit.

Detector Assembly  
(ASSE 1047, USC-  
FCCCHR)

- c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.
- d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.

Atmospheric High or  
Vacuum Low  
Breaker  
(ASSE 1001  
USC-FCCCHR,  
CSA CAN/CSA-B64.1.1

Backsiphonage

- c. Shall not be installed below ground or in a vault or pit.
- d. Shall be installed in a vertical position only.

Double Check Low  
Backflow  
Prevention  
Assembly  
(AWWA C510,  
USC-FCCCHR,  
ASSE 1015)  
Double Check  
Detector Assembly  
Backflow Preventer  
(ASSE 1048,  
USC-FCCCHR)

Backpressure or  
Backsiphonage  
1/2" - 16"

- a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.
- b. Shall be installed in a horizontal position unless listed or approved for vertical installation.

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
- b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.
- c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.
- d. Shall be installed on the discharge (downstream) side of any valves.
- e. The AVB shall be installed in a vertical position only.

Pressure High or  
Vacuum Low  
Breaker  
Assembly  
(ASSE 1020,  
USC-FCCCHR)

Backsiphonage  
1/2" - 2"

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
- b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
- c. Shall not be installed below ground or in a vault or pit.
- d. Shall be installed in a vertical position only.

General  
Installation  
Criteria

The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.

Spill High or  
Resistant Low  
Vacuum  
Breaker  
(ASSE 1056,  
USC-FCCCHR)

Backsiphonage  
1/4" - 2"

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
- b. Shall be installed a minimum of 6 inches above all downstream piping and the highest point of use.

In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

(35) Table 608.1.[2]1 is added as follows:

TABLE 608.1. [2]1  
Specialty Backflow Devices for Low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure 1/4" - 1"	ASSE 1024
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1032
Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage 1/2" - 1"	ASSE 1052

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

(36) In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

(37) Section 608.7 is deleted in its entirety.

(38) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

(39) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

(40) Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents

shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

(41) Section 608.13.4 is deleted in its entirety.

(42) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

(43) Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

(44) In Section 608.15.4.2, the following is added at the end of the paragraph:

In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

(45) Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

(46) In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

(47) Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.

Exceptions:

1. Single wall heat exchangers shall be permitted when all construction under one of the following conditions are met:

a. Utilize a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA); and

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

—Exception: Steam complying with paragraph 1 above; and]  
c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Steam systems that comply with paragraph 1 above.

3. Approved listed electrical drinking water coolers.

(48) Section 608.16.4 is deleted and replaced with the following:

Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference.

EXCEPTIONS:

1. When systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply system shall not be required.

2. Isolation of the water distribution system is not required for deluge, preaction or dry pipe systems.

3. When the sprinkler supply line is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed. [~~This exception expires on July 1, 2000.~~]

(49) Section 608.16.4.1 is deleted and replaced with the following:

Section 608.16.4.1 Additives or nonpotable source. Where systems contain chemical additives or antifreeze, or where systems are connected to a nonpotable secondary water supply, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. Where chemical additives or antifreeze are added to only a portion of an automatic fire sprinkler or standpipe system, the reduced pressure principle backflow preventer shall be permitted to be located so as to isolate that portion of the system.

Exception:

1. For systems that use antifreeze only consisting of strictly pure glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol, equipment specified in Section 608.16.4 shall be used.

(50) Section 608.16.4.2 is added as follows:

Section 608.16.4.2 Testing Procedures. The testing procedures are as follows:

1. The check valves are to be tested by a currently certified Class II Backflow Technician in accordance with Rule R309-302 available from the Department of Environmental Quality.

2. All other mechanical devices attached to or part of a class I or class II fire sprinkler system shall be tested by a licensed fire sprinkler contractor.

(51) Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a

reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

(52) Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(53) Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

(54) Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(55) Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

(56) Section 608.17 is deleted in its entirety. [

~~Section 608.18 is added as follows:~~

~~608.18 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and the Reduced Pressure Detector Assembly.]~~

(57) Section 612 is added as follows:

612. Gray Water

Gray Water Recycling Systems, Appendix C of the IPC, cannot be adopted by any jurisdiction until January 1, 2001.

(58) In Section 701.2, [~~The~~the following is added at the end of the paragraph:

The sewer is considered as available when it is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended. Private sewage disposal systems shall conform with Rule R317-501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(59) Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food or food equipment shall

discharge through an indirect waste pipe by means of an air gap or air break.].

~~Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. This requires commercial dishwashing machines and dishwashing sinks to discharge through an air gap or an air break.]~~

(60) Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

(61) Section 802.3.2 is deleted in its entirety and replaced with the following:

802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.

(62) In Section 904.6, the ~~[=The]~~ following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(63) Section 917.2 is deleted and replaced with the following:

917.2 Installation. The valves may be installed in accordance with the requirements of this section and the manufacturers installation instructions when approved by the code official. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.

(64) Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

(65) Section ~~[1003.3.3]~~1003.3.5 is added as follows:

1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

(66) Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm ~~[with]~~and sanitary drainage ~~prohibited. The combining of sanitary and storm drainage systems is prohibited[of a structure shall be entirely separate].~~

(67) Section 1108 is deleted in its entirety.

(68) Section ~~[1201.2 is deleted and replaced with the following]~~1204 is added as follows:

~~[1201.2]~~1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the 1998 International Mechanical Code.

(69) ~~[Appendix G, Section G110 is deleted, renumbered and replaced with the following]~~Section 1205 is added as follows:

Section 120~~[2]~~5 CNG GAS-DISPENSING SYSTEMS

120~~[2]~~5.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

120~~[2]~~5.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

120~~[2]~~5.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with

NFP~~[5]~~A 52 and the uniform fire code as adopted by the State Fire Marshal.

(70) Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-95 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC-	Foundation for Cross-Connection	Control Table 608.1
FCCCHR	Control and Hydraulic Research	
9th	University of Southern California	
Edition	Kaprielian Hall 300	
Manual	Los Angeles CA 90089-2531	
of Cross		
Connection		

~~[R156-56-707. Reserved.~~

~~Reserved.~~

**[R156-56-708. Statewide Amendments to the IMC.**

The following are adopted as amendments to the IMC to be applicable statewide:

~~[~~(1) Statewide Amendments]

(1) Chapter 1, Section 103 is deleted in its entirety.

(2) Chapter 1, Section 109 is deleted in its entirety and replaced with the following:

Section 109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to mechanical systems and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

(3) Section 109.2 Limitations of authority. The board of appeals shall have no authority relative to interpretation of the administrative provision of this code nor shall the board be empowered to waive requirements of this code.

(4) Chapter 3, Section 304.8 is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancy.

(5) Chapter 3, Section 306.5 is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancy.

(6) Chapter 3, Section 306.6 is amended by adding the following exception at the end of the paragraph:

Exception: Evaporative coolers serving R-3 occupancy.

(7) Chapter 4 is deleted in its entirety. In place of the IMC, Chapter 4, reference the 1997 Uniform Building Code, Chapter 12.

(8) Chapter 6, Section 603.8.1 is added as follows:

Section 603.8.1 Residential round ducts. Crimp joints for residential round ducts shall have a contact lap of at least 1 1/2 inches (38 mm) and shall be mechanically fastened by means of at

least three sheet metal screws equally spaced around the joint, or an equivalent fastening method.

(9) Chapter 13, Section 1305.1 is amended as follows:

The following exception is added at the end of the section:

Exception: When approved by the authority having jurisdiction, shut-off valves for listed, vented decorative appliances may be accessibly located in an area remote from the appliance. Such valve shall be permanently identified and shall serve no other equipment.

(10) Chapter 13, Section 1309.2 is amended as follows:

The following exception is added at the end of the section:

Exception: When approved by the authority having jurisdiction, shut-off valves for listed, vented decorative appliances may be accessibly located in an area remote from the appliance. Such valve shall be permanently identified and shall serve no other equipment.

**KEY: contractors, building codes, building inspection, licensing**  
**[February 15,]2000 58-1-106(1)**  
**Notice of Continuation June 3, 1997 58-1-202(1)**  
**58-56-1**  
**58-56-4(2)**  
**58-56-6(2)(a)**

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1; and Subsections 58-56-4(2), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed change should not affect state government budget other than as it may apply to new buildings that the state government may be constructing. It is impossible to determine if any of the changes would affect such buildings, but if there were an effect it would be a savings.

❖LOCAL GOVERNMENTS: The proposed change should not affect local budgets other than as it may apply to new buildings that the local government may be constructing. It is impossible to determine if any of the changes would affect such buildings, but if there were an effect it would be a savings.

❖OTHER PERSONS: Due to the inability to determine how many projects would be affected, an aggregate impact is impossible to determine.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change would result in a cost savings to affected persons which could be \$100 to \$500 or more per project.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule change is to allow the use of air admittance valves when it meets normal design criteria and is allowed by the plumbing code and denies local building inspectors the right to reject such otherwise permitted installations. The adoption of the proposed rule changes may present a cost savings for the state budget and for local governments for new buildings being built by the state or local governments. The aggregate cost savings of this amendment is not capable of estimation due to the lack of knowledge of potentially impacted projects. However, it is estimated that the cost savings could run from \$100 to over \$500 per project--Douglas C. Borba

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

Commerce  
Occupational and Professional Licensing  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsJones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/15/2000, 9:00 a.m., 4112 State Office Building, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

Commerce, Occupational and Professional Licensing  
**R156-56-706**  
Amendments to the IPC

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22791

FILED: 04/18/2000, 12:24

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After division review and recommendation of the Uniform Building Code Commission, the following amendment is being made. This rule filing is being proposed as a separate filing because there may be some extended public comment regarding the safety or advisability of the proposed change.

SUMMARY OF THE RULE OR CHANGE: The amendment which was made to Section 917.2 of the International Plumbing Code is being deleted. The proposed change allows the use of air admittance valves when it meets the normal installation criteria it is designed for and as allowed by the International Plumbing Code. The proposed change deletes the prerogative of the local building inspector to reject these types of installation even when otherwise permitted by code. (DAR Note: An additional amendment to R156-56 appears in this Bulletin under DAR No. 22790.)



AUTHORIZED BY: Diane J. Blake, Assistant Director

**R156. Commerce, Occupational and Professional Licensing.**

**R156-56. Utah Uniform Building Standard Act Rules.**

**R156-56-706. Amendments to the IPC.**

(1) Statewide Amendments

Section 103.1 is deleted in its entirety.

Section 103.2 is deleted in its entirety.

Section 103.3 is deleted in its entirety.

Section 103.4 is deleted in its entirety.

Section 103.5 is renumbered as Section 103.1.

Section 107.1.1 is deleted in its entirety.

Section 109 is retitled as "Board of Appeal".

Section 109.1 is deleted and replaced with the following:

109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a local board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the code official.

Sections 109.2 through 109.7 are deleted in their entirety.

Section 202 General Definitions is revised as follows:

The definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

The definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

The following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

The definition for "Code Official" is deleted and replaced with the following:

Code Official. The individual official, board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended. This definition shall include the code official's duly authorized representative.

The definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either

water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

The following definition is added:

Emergency Floor Drain. A floor drain installed for the primary purpose of collecting water from emergency spills or water line breaks.

The following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

The definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

The definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

Section 312.9 is deleted in its entirety.

Section 403.1 is deleted and replaced with the following:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Appendix Chapter 29, Uniform Building Code.

Table 403.1 is deleted in its entirety.

Section 403.2 is deleted and replaced with the following:

403.2 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

Sections 403.4, 403.5 and 403.6 are deleted in their entirety.

Section 409.1 is deleted and replaced with the following:

409.1 Approval. Domestic dishwashing machines shall conform to ASSE (American Society of Sanitary Engineering) 1006. Commercial dishwashing machines shall conform to ASSE 1004, NSF (National Sanitary Foundation) 3 or NSF 26.

Section 409.3 is deleted and replaced with the following:

Section 409.3 Waste connection. Domestic pump-type dishwashers may be directly connected to the inlet side (top or head) of an approved food waste disposal unit or a branch tailpiece in the tailpiece of the sink, by the drain hose being extended and secured as high as possible under the bottom of the counter top before it is connected to the branch tailpiece located above the trap or to an approved food waste disposal unit.

Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one floor drain with a wall mounted hose bibb, or at least one emergency floor drain.

Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

Section 425.1.1 - The following exception is added after the paragraph.

Exception: Multiple urinals with an automatic flushing device.

Section 502.6 is added as follows:

502.6 Water Heater Seismic Bracing. In seismic zones 3 and 4, water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

Section 504.8.1 is amended as follows:

The measurement of "1 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exception: 1) bath tubs and showers.

Exception: 2) in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each sillcock.

3. On the water supply pipe to each appliance or mechanical equipment.

Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

Section 608.1 - The following sentence is added at the end of the paragraph: Connection without an air gap between potable water

and sewer-connected waste shall not exist under any condition.

Table 608.1 is deleted and replaced with the following:

TABLE  
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> <li>a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor.</li> <li>b. RP assemblies shall NOT be installed in a pit.</li> <li>c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.</li> <li>d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.</li> </ol>
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> <li>a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.</li> <li>b. Shall be installed in a horizontal position unless listed or approved for vertical installation.</li> </ol>
Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage 1/2" - 2"	<ol style="list-style-type: none"> <li>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</li> <li>b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</li> </ol>

<p>Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)</p>	<p>High or Low</p>	<p>Backsiphonage 1/4" - 2"</p>	<p>c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.</p> <p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 6 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.</p>	<p>The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.</p> <p>In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.</p> <p>Assemblies shall be maintained as an intact assembly.</p>
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Table 608.1.2 is added as follows:

TABLE 608.1.2  
Specialty Backflow Devices for low hazard use only

				Device	Degree of Hazard	Application	Applicable Standard
<p>Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1)</p>	<p>High or Low</p>	<p>Backsiphonage</p>	<p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time. c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use. d. Shall be installed on the discharge (downstream) side of any valves. e. The AVB shall be installed in a vertical position only.</p>	<p>Antisiphon-type Water Closet Flush Tank Ball Cock</p> <p>Dual check valve Backflow Preventer</p> <p>Backflow Preventer with Intermediate Atmospheric Vent</p> <p>Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type</p> <p>Hose-connection Vacuum Breaker</p> <p>Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type</p>	<p>Low</p> <p>Low</p> <p>Low Residential Boiler</p> <p>Low</p> <p>Low</p>	<p>Backsiphonage</p> <p>Backsiphonage or Backpressure 1/4" - 1"</p> <p>Backsiphonage or Backpressure 1/4" - 3/4"</p> <p>Backsiphonage or Backpressure 1/4" - 3/8"</p> <p>Backsiphonage 1/2", 3/4", 1"</p> <p>Backsiphonage 3/4", 1"</p> <p>Backsiphonage</p>	<p>ASSE 1002 CSA CAN/CSA-B125</p> <p>ASSE 1024</p> <p>ASSE 1012 CSA CAN/CSA-B64.3</p> <p>ASSE 1032</p> <p>ASSE 1011 CSA CAN/CSA-B64.2</p> <p>ASSE 1019 CSA CAN/CSA-B64.2.2</p> <p>ASSE 1035 CSA CAN/CSA-B64.7</p> <p>ASSE 1052</p>
<p>General Installation Criteria</p>			<p>The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.</p>	<p>Laboratory Faucet Backflow Preventer</p> <p>Hose Connection Backflow Preventer</p>	<p>Low</p> <p>Low</p>	<p>Backsiphonage</p> <p>Backsiphonage 1/2" - 1"</p>	<p>ASSE 1035 CSA CAN/CSA-B64.7</p> <p>ASSE 1052</p>
<p>Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.</p>							
<p>Section 608.3.1 - The following sentence is added at the end of the paragraph: All piping and hoses shall be installed below the atmospheric vacuum breaker.</p>							

Section 608.7 is deleted in its entirety.

Section 608.8 - The following sentence is added at the end of the paragraph: In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

Section 608.11 - The following sentence is added at the end of the paragraph: The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

Section 608.13.4 is deleted in its entirety.

Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

Section 608.15.4.2 - The following is added at the end of the paragraph: In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

Section 608.16.2 - The first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls. Heat exchangers shall be permitted to be of single wall construction under one of the following conditions:

1. a. Utilize a heat transfer medium of potable water or only substances which are recognized as safe by the United States Food and Drug Administration (FDA); and

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

Exception: Steam complying with paragraph 1 above; and

c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Approved listed electrical drinking water coolers.

Section 608.16.4 is deleted and replaced with the following:

Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference.

EXCEPTIONS:

1. When systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply system shall not be required.

2. Isolation of the water distribution system is not required for deluge, preaction or dry pipe systems.

3. When the sprinkler supply line is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed. This exception expires on July 1, 2000.

Section 608.16.4.1 is deleted and replaced with the following:

Section 608.16.4.1 Additives or nonpotable source. Where systems contain chemical additives or antifreeze, or where systems are connected to a nonpotable secondary water supply, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. Where chemical additives or antifreeze are added to only a portion of an automatic fire sprinkler or standpipe system, the reduced pressure principle backflow preventer shall be permitted to be located so as to isolate that portion of the system.

Exception:

1. For systems that use antifreeze only consisting of strictly pure glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol, equipment specified in Section 608.16.4 shall be used.

Section 608.16.4.2 is added as follows:

Section 608.16.4.2 Testing Procedures. The testing procedures are as follows:

1. The check valves are to be tested by a currently certified Class II Backflow Technician in accordance with Rule R309-302 available from the Department of Environmental Quality.

2. All other mechanical devices attached to or part of a class I or class II fire sprinkler system shall be tested by a licensed fire sprinkler contractor.

Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against

backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

Section 608.17 is deleted in its entirety.

Section 608.18 is added as follows:

608.18 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and the Reduced Pressure Detector Assembly.

Section 612 is added as follows:

612. Gray Water

Gray Water Recycling Systems, Appendix C of the IPC, cannot be adopted by any jurisdiction until January 1, 2001.

Section 701.2 - The following is added at the end of the paragraph: The sewer is considered as available when within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended. Private sewage disposal systems shall conform with Rule R317-501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food or food equipment shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. This requires commercial

dishwashing machines and dishwashing sinks to discharge through an air gap or an air break.

Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

Section 802.3.2 is deleted in its entirety.

Section 904.6 - The following sentence is added at the end of the paragraph: Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.].

~~Section 917.2 is deleted and replaced with the following:~~

~~917.2 Installation. The valves may be installed in accordance with the requirements of this section and the manufacturers installation instructions when approved by the code official. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.]~~

Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

Section 1003.3.3 is added as follows:

1003.3.3 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm with sanitary drainage. The sanitary and storm drainage systems of a structure shall be entirely separate.

Section 1108 is deleted in its entirety.

Section 1201.2 is deleted and replaced with the following:

1201.2 Fuel piping systems. All fuel piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the 1998 International Mechanical Code.

Appendix G, Section G110 is deleted, renumbered and replaced with the following:

Section 1202 CNG GAS-DISPENSING SYSTEMS

1202.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1202.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

1202.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPS 52 and the uniform fire code.

Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-95 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- FCCCHR 9th Edition Manual of Cross Connection	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Control Table 608.1
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**KEY: contractors, building codes, building inspection, licensing**  
**[February 15,]2000** 58-1-106(1)  
**Notice of Continuation June 3, 1997** 58-1-202(1)  
 58-56-1  
 58-56-4(2)  
 58-56-6(2)(a)

◆ ————— ◆

**Commerce, Occupational and  
 Professional Licensing  
 R156-63**

**Security Personnel Licensing Act Rules**

**NOTICE OF PROPOSED RULE**

(Amendment)  
 DAR FILE NO.: 22801  
 FILED: 04/27/2000, 17:45  
 RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The division determined it needed to amend the current training requirements for basic education of a private security officer and to amend the continuing education requirements for a private security officer.

**SUMMARY OF THE RULE OR CHANGE:** In Section R156-63-102, added a definition for "practical experience." In Section R156-63-304, changed the continuing education hours requirement from 8 hours in each calendar year to 16 hours every two years. This change will eliminate the problem of how an individual who fails to complete 8 hours of training each calendar year complies with the requirement. In Sections R156-63-603 and R156-63-604, changes were made to clarify the language used in the components for the Armed and Unarmed Private Security Officer Basic Education and Training program and brings those components closer to the model training requirements of the National Association of Security and Investigative Regulators.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-63-101; and Subsections 58-1-106(1) and 58-1-202(1)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** The division will only incur minimal costs to reprint the rules once they are made effective. Any costs incurred will be handled in the division's current budget. The division does not anticipate any other costs or savings to the state budget since the proposed rules are only a clarification and do not add any additional requirements to the rule.
- ◆ **LOCAL GOVERNMENTS:** Proposed rules do not apply to local governments; therefore, no cost or savings.
- ◆ **OTHER PERSONS:** The proposed rule clarifies the requirements for continuing education for renewal of

licensure and clarifies the language defining what a basic education program should contain. The proposed rule should reduce the problems that an applicant may face in becoming licensed as a private security officer and thus may be a savings in the applicant's time. Changing the continuing education hours may also result in minimal savings to licensed private security officers.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** It is estimated that the costs to persons affected by the adoption of the proposed rule will be minimal and, if anything, would actually result in savings to affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The purpose of this rule change is to change the continuing education requirements from 8 hours per calendar year to 16 hours per two-year licensing period. The proposed rule also defines the term "practical experience" as used in the licensing act. The proposed rule also clarifies certain language used in the education requirements to bring them closer to the national standard. The adoption of the proposed rule changes will not have any fiscal impact upon the state budget or upon local governments. The amendment should have little impact upon the regulated profession except for making it easier to schedule continuing education--Douglas C. Borba

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

Commerce  
 Occupational and Professional Licensing  
 Fourth Floor, Heber M. Wells Building  
 160 East 300 South  
 PO Box 146741  
 Salt Lake City, UT 84114-6741, or  
 at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 Clyde Ormond at the above address, by phone at (801) 530-6254, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.cormond@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/25/2000, 9:00 a.m., 160 East 300 South, Conference Room 205, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.  
 R156-63. Security Personnel Licensing Act Rules.  
 R156-63-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or these rules:  
 (1) "Approved basic education and training programs" as used in these rules means basic education and training that meets the standards set forth in Sections R156-63-602, R156-63-603 and R156-63-604 and that is approved by the division.

(2) "Contract security company" includes:

(a) a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom he is employed, or for other than the regular salary, whether at regular pay or overtime pay, from the law enforcement agency by whom he is employed; but does not include:

(b) a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible personal property, real property, or the life and well being of personnel employed by, or animals owned by or under the responsibility of the that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.

(3) "Employee" means an individual providing services in the security guard industry for compensation when the amount of compensation is based directly upon the security guard services provided and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.

(4) "Immediate supervision" means the supervisor is available for immediate voice communication and can be available for in-person consultation within a reasonable period of time with an on-the-job trainee.

(5) "Officer" as used in Subsections 58-63-201(1)(a) and R156-63-302a(1)(b) means a manager, director, or administrator of a contract security company.

(6) "Practical experience" means experience as an unarmed or armed private security officer obtained under the immediate supervision of a supervisor who has been assigned to train and develop the unarmed or armed private security officer.

~~(6)7~~ "Qualified continuing education" as used in these rules means continuing education that meets the standards set forth in Subsection R156-63-304.

~~(7)8~~ "Qualifying agent" means an individual who is an officer, director, partner, proprietor or manager of a contract security company who exercises material authority in the conduct of the contract security company's business by making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter.

(8)9 "Supervised on-the-job training" means training of an armed or unarmed private security officer or alarm response runner, under the immediate supervision of a licensed private security officer who has been assigned to train and develop the on-the-job trainee.

(9)10 "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-63-502.

#### **R156-63-304. Continuing Education for Armed and Unarmed Private Security Officers as a Condition of Renewal.**

(1) In accordance with Subsections 58-1-203(7) and 58-1-308(3)(b), there is created a continuing education requirement as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armed private security officer and unarmed private security officer.

(2) Qualified continuing education for armed private security officers and unarmed private security officers shall consist of not

less than ~~eight~~16 hours of formal classroom education or practical experience ~~every two years~~~~in each calendar year~~.

(3) Continuing firearms education and training for armed private security officers shall consist of not less than eight hours during each calendar year. Firearms education and training shall comply with the provisions of Public Law 103-54, the Armored Car Industry Reciprocity Act of 1993.

(4) If a renewal period is shortened or lengthened to effect a change of renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

(5) Continuing education to qualify under the provisions of Subsection (2) shall include:

- (a) company operational procedures manual;
- (b) applicable state laws and rules;
- (c) legal powers and limitations of private security officers;
- (d) observation and reporting techniques;
- (e) ethics; and
- (f) emergency techniques.

#### **R156-63-603. Operating Standards - Content of Approved Basic Education and Training Program for Armed Private Security Officers.**

An approved basic education and training program for armed private security officers shall have the following components:

(1) at least eight hours of basic classroom instruction to include the following:

(a) the nature and role of private security, including the limits of, scope of authority and the civil liability of a private security officer and the private security officer's role in today's society;

(b) state laws and rules applicable to private security;

(c) legal responsibilities of private security, including constitutional law, search and seizure and other such topics;

(d) ~~civil and criminal considerations;~~

~~(e)~~ situational response evaluations, including protecting and securing crime or accident scenes, notification of intern and external agencies, and controlling information;

(f)e) ethics;

(g)f) use of ~~deadly~~force, emphasizing the de-escalation of force and alternatives to using force;

~~(h)~~ observation and description;

(i)g) report writing, including taking witness statements, log maintenance, the control of information, taking field notes, report preparation and basic writing skills;

~~(j)~~ witness statements;

~~(k)~~ courtroom testimony;

~~(l)~~ industrial accidents;

~~(m)~~ civil and criminal incidents;

~~(n)~~ crimes in progress;

(o)h) armed patrol techniques, including mobile vs. fixed post, accident prevention, responding to calls and alarms, security breeches, and monitoring potential safety hazards;

~~(p)~~ unarmed patrol techniques;

~~(q)~~ fixed post techniques;

(i) police and community relations, including fundamental duties and personal appearance of security officers;

(r)j) sexual harassment in the work place; and

(~~s~~k) a final examination which competently examines the student in the subjects included in the approved program of education and training.

(2) at least six hours of classroom firearms instruction to include the following:

- (a) the weapon and its ammunition;
- (b) the use of factory loaded ammunition only;
- (c) the care and cleaning of the weapon;
- (d) cleaning equipment options;
- (e) barrel and cylinder maintenance;
- (f) no alterations of firing mechanism;
- (g) weapons inspection review procedures;
- (h) firearm safety on duty;
- (i) firearm safety at home;
- (j) firearm safety on range;
- (k) ethical restraints on weapon use;
- (l) legal restraints on weapon use;
- (m) use of deadly force under Utah law and the provisions of Title 76, Chapter 2, Part 4 and;

(n) the instruction that armed private security officers shall not fire their weapon unless there is an eminent threat to life and at no time will the weapon be drawn as a threat or means to force compliance with any verbal directive; and

(3) at least six hours of firearms instruction on the range to include the following:

- (a) demonstration of appropriate techniques of shooting;
- (b) explanation of the difference between flash sight and sight picture; and
- (c) a recognized practical pistol course on which the applicant achieves a minimum score of 80%.

**R156-63-604. Operating Standards - Content of Approved Basic Education and Training Program for Unarmed Private Security Officers.**

An approved basic education and training program for unarmed private security officers shall have the following components:

(1) at least eight hours of basic classroom instruction to include the following:

- (a) the nature and role of private security, including the limits of, scope of authority and the civil liability of a private security officer and the private security officer's role in today's society;
- (b) state laws and rules applicable to private security;
- (c) legal responsibilities of private security, including constitutional law, search and seizure and other such topics;
- (d) ~~civil and criminal considerations;~~
- (~~e~~) situational response evaluations, including protecting and securing crime or accident scenes, notification of internal and external agencies, and controlling information;
- (~~f~~) ethics;
- (~~g~~) use of ~~deadly~~ force, emphasizing the de-escalation of force and alternatives to using force;
- (~~h~~) ~~observation and description;~~
- (~~i~~) report writing, including taking witness statements, log maintenance, the control of information, taking field notes, report preparation and basic writing skills;
- (~~j~~) witness statements;
- (~~k~~) courtroom testimony;
- (~~l~~) industrial accidents;

- (~~m~~) civil and criminal incidents;
- (~~n~~) crimes in progress;
- (~~o~~) unarmed patrol techniques, including mobile vs. fixed post, accident prevention, responding to calls and alarms, security breaches, monitoring potential safety hazards;
- (~~p~~) fixed post techniques police and community relations, including fundamental duties and personal appearance of security officers;
- (~~q~~) sexual harassment in the work place;
- (~~r~~) a final examination which competently examines the student in the subjects included in the approved program of education and training.

**KEY: licensing, security guards**  
**[April 1, 1999]2000**

**58-1-106(1)**  
**58-1-202(1)**  
**58-63-101**



**Commerce, Occupational and Professional Licensing**  
**R156-71-202**  
**Naturopathic Physician Formulary**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE No.: 22792  
 FILED: 04/18/2000, 12:24  
 RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The division wishes to remove the controlled substance "Testosterone" from the Naturopathic Physician Formulary.

**SUMMARY OF THE RULE OR CHANGE:** In Subsection R156-71-202(1), deleted testosterone from the list of legend drugs that can be prescribed by a naturopathic physician since testosterone is a controlled substance. Testosterone may not be prescribed without a state and federal controlled substance license and naturopathic physicians cannot prescribe controlled substances.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-71-101; and Subsections 58-1-106(1) and 58-1-202(1)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** The proposed change will not increase or decrease state costs. Printing costs will be minimal and will be absorbed in the current division's budget.
- ❖ **LOCAL GOVERNMENTS:** Proposed rules do not affect local governments; therefore, no cost or savings.
- ❖ **OTHER PERSONS:** Patients of naturopathic physicians may see an increase in costs in that they will have to visit a different prescribing practitioner to obtain testosterone.



Licensed naturopathic physicians may see some slight decrease in revenue due to patients needing testosterone will now be required to visit another prescribing practitioner.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The division anticipates no increase in costs for naturopathic physicians. Patients and insurance carriers could realize a possible increase in costs. Patients will have to visit a different prescribing practitioner for the testosterone.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule change is to remove testosterone from the existing rules as a drug capable of being prescribed by a practitioner since it is a controlled substance which cannot be prescribed by naturopathic physicians. The adoption of the proposed rule change will not have any fiscal impact upon the state budget or upon local governments. The amendment should have little impact upon the regulated profession since practitioners were already unable to legally prescribe this hormone--Douglas C. Borba

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

Commerce  
Occupational and Professional Licensing  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City UT 84114-6741, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Daniel T. Jones at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.djones@email.state.ut.us](mailto:brdopl.djones@email.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Diane J. Blake, Assistant Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-71. Naturopathic Physician Practice Act Rules.  
R156-71-202. Naturopathic Physician Formulary.**

(1) In accordance with Subsections 58-71-102(8) and 58-71-202, the naturopathic physician formulary which consists of noncontrolled substance legend medications deemed appropriate for the scope of practice of naturopathic physicians, the prescription of which is approved by the Division in collaboration with the Naturopathic Formulary Advisory Peer Committee, consists of the following legend drugs, listed by category:

Adrenergic Stimulators, limited to: Albuterol, Epinephrine, and Metaproteranol;  
Amino Acids;

Anesthetics (local);  
Antiemetics;  
Antigout;  
Antihistamines;  
Anti-inflammatories, except DMARDS;  
Antimicrobials (oral), limited to: Pencillins, 1st and 2nd generation Cephalosporins, Tetracyclines, Macrolides, Azalides, Lincosamines, Metronidazole, Hydantoin, and Sulfas;  
Antimicrobials (ophthamologic), limited to: Sulfas and Macrolides;  
Antimicrobials (topical);  
Antivirals, limited to Acyclovir;  
Biologics, limited to: Skin Testing, CDC recommended Immunizations, Toxoids, and Immunoglobulin;  
Contraceptives, except implants and injections;  
Corticosteroids (oral or topical), except Ophthamologic Preparations;  
Diabetic Agents, limited to: Insulin, and oral Hypoglycemics, except Thiazolidinediones;  
Diuretics, limited to: Thiazide or Loop;  
Electrolyte and Fluid Replacements;  
Enzymes, limited to: Digestive and Proteolytic;  
H2 Blockers;  
Hormones (oral or topical), limited to: Estrogen, [~~Testosterone~~;  
]Progestins, and Thyroid;  
Migraine Preparations, limited to: Ergotamines and Sumatriptin;  
Minerals: Macro and Micro;  
Osteoporosis agents, limited to: Calcitonin and Raloxifene;  
Proton-Pump Inhibitors;  
Urinary Antispasmodics;  
Vitamins;  
Other: Methergine and Pitocin, limited to use only after the uterus has been emptied;  
Silver Nitrate.

(2) New categories or classes of drugs will need to be approved as part of the formulary prior to prescribing/administering.

(3) The licensed naturopathic physician has the responsibility to be knowledgeable about the medication being prescribed or administered.

**KEY: licensing, naturopaths, naturopathic physician\***  
**[January 4,]2000** **58-71-101**  
**58-1-106(1)**  
**58-1-202(1)**



Health, Medical Examiner  
**R448-10**  
Unattended Death and Reporting  
Requirements

**NOTICE OF PROPOSED RULE**

(New)

DAR FILE NO.: 22818

FILED: 05/01/2000, 16:40

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule clarifies what is an unattended death and the reporting requirements for unattended deaths.

SUMMARY OF THE RULE OR CHANGE: This rule clarifies that a death is not "unattended," as that term is used in the Medical Examiner Act, if the deceased was under the care of a physician and a nurse who is supervised by the physician saw the deceased within 30 days prior to death. Some hospice programs have begun requiring a monthly physician visit as a means to spare the surviving family the additional trauma of a police investigation into what is intended to be a more natural death in a family friendly setting.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5, 26-4-2, 26-4-7, and 26-4-8

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The rule will neither increase nor decrease the work load at the Office of the State Medical Examiner. Therefore, there is no anticipated cost or savings to the state budget.

❖LOCAL GOVERNMENTS: Some local governments have investigated deaths where the deceased was under the care of a hospice licensed facility. This rule clarifies that those deaths do not need to be reported or investigated under the circumstances listed in the rule. However, the savings are too difficult to estimate inasmuch as some jurisdictions investigate and others do not. The degree of the investigation varies from jurisdiction to jurisdiction.

❖OTHER PERSONS: Terminally ill hospice patients and their families will be spared the additional expense of unnecessary physician visits. Reports of deaths in hospices are not identified as such nor is the amount of time spent in hospice reported, making difficult an accurate determination of the number of unnecessary physician visits that a hospice patient will be spared.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for this rule. It should save costs because it clarifies the "seen by a physician" requirement of the Medical Examiner Act.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule is proposed at the request of businesses affected by law enforcement investigation of routine deaths at hospice facilities. Costs to all parties should be reduced by avoiding unnecessary crime scene investigations of such routine deaths. Deaths by injury, accident, or other unnatural causes in a hospice will still be reported to law enforcement--Rod L. Betit

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

Health  
Medical Examiner  
Medical Examiner Building  
44 Medical Drive  
Salt Lake City, UT 84113, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dr. Todd Grey at the above address, by phone at (801) 584-8410, by FAX at (801) 584-8435, or by Internet E-mail at tgrey@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

**R448. Health, Medical Examiner.**

**R448-10. Unattended Death and Reporting Requirements.**

**R448-10-1. Authority and Purpose.**

This rule is authorized by Utah Code Section 26-1-5. It clarifies the meaning of unattended death under the provisions of Utah Code Subsection 26-4-2(8) and the requirements of Utah Code Section 26-4-8.

**R448-10-2. Death Under Physician's Care and Supervision.**

For purposes of Utah Code Subsection 26-4-2(8), an individual whose care is directly supervised by a physician and who has been seen by a licensed nurse whose activity is directly supervised by the physician is deemed to have been seen by the physician within the scope of the physician's professional capacity.

**R448-10-3. Reporting Requirement.**

(1) If a death occurs and the individual's care within 30 days prior to death was not directly supervised by a physician or if the individual was not seen by a licensed nurse whose activity is directly supervised by the individual's treating physician, then the death must be reported as required under Utah Code Section 26-4-8.

(2) All other deaths that meet the criteria in Utah Code Section 26-4-7, must be reported as required by Utah Code Section 26-4-8

(3) As required by R432-750-29, a hospice is required to report all deaths supervised by the hospice if the death was a result from injury, accident, or other possible unnatural cause.

**KEY: medical examiner, unattended death, reporting death**

**2000**

**26-1-5**

**26-4-2**

**26-4-7**

**26-4-8**



Health, Medical Examiner  
**R448-20**  
 Access to Medical Examiner Reports

**NOTICE OF PROPOSED RULE**

(New)

DAR FILE NO.: 22817  
 FILED: 05/01/2000, 16:28  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes who may, under the provisions of Subsection 26-4-17(3), access medical examiner reports generated in the investigation of a death. It provides a broad definition of "next-of-kin" who may access reports generated by the medical examiner.

SUMMARY OF THE RULE OR CHANGE: This rule clarifies who are next-of-kin and legal representatives under Subsection 26-4-17(3) for purposes of gaining access to reports generated by the medical examiner. It also establishes identification requirements for those individuals to gain access to those reports.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-4-17

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule imposes no new requirements. There is no anticipated cost or savings to the state budget.

❖LOCAL GOVERNMENTS: This rule has no impact on local governments and will not result in any savings or costs to them.

❖OTHER PERSONS: This rule imposes no new requirements. It imposes no additional costs and will not result in any savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Inasmuch as this rule imposes no new requirements, there will be no compliance costs for this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Closely related relatives will be given greater access to reports from the State Medical Examiner. No compliance costs are anticipated--Rod L. Betit

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

Health  
 Medical Examiner  
 Medical Examiner Building  
 48 North Medical Drive  
 Salt Lake City, UT 84113, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dr. Todd Grey at the above address, by phone at (801) 584-8410, by FAX at (801) 584-8435, or by Internet E-mail at [tgrey@doh.state.ut.us](mailto:tgrey@doh.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

**R448. Health, Medical Examiner.**

**R448-20. Access to Medical Examiner Reports.**

**R448-20-1. Authority and Purpose.**

This rule is authorized by Utah Code Section 26-1-5. It establishes who may, under the provisions of Utah Code Subsection 26-4-17(3), access medical examiner reports generated in the investigation of a death.

**R448-20-2. Access by Next-of-Kin.**

(1) Next-of-kin who may access medical examiner records under the provisions of Utah Code Subsection 26-4-17(3) are as follows:

(a) surviving spouse;

(b) any natural or adoptive parent, regardless of whether the deceased was an adult;

(c) any full or half sibling; and

(d) any child aged 18 or older.

(2) All next-of-kin have equal access to medical examiner records under 26-4-17, without preference or priority.

**R448-20-3. Access by a Legal Representative.**

(1) Legal representatives who may access medical examiner records under the provisions of Utah Code Subsection 26-4-17(3) are as follows:

(a) any legal guardian of the person, regardless of whether the deceased was child or an adult; and

(b) a personal representative of the estate of the deceased appointed by a court of competent jurisdiction.

(2) All legal representatives have equal access to medical examiner records under Utah Code Subsection 26-4-17(3), without preference or priority.

**R448-20-4. Request and Verification of Right to Record.**

A request made under Utah Code Subsection 26-4-17(3) must be in a writing either:

(1) bearing a notary seal attesting to the identity of the individual and establishing the individual's right to the record; or

(2) signed in the presence of medical examiner staff after producing documentation establishing the individual's right to the record.

**KEY: medical examiner, records  
2000**

**26-1-5  
26-4-17**

**Human Services, Administration,  
Administrative Services, Licensing  
R501-11  
Categorical Standards**

**NOTICE OF PROPOSED RULE  
(Amendment)  
DAR FILE NO.: 22813  
FILED: 05/01/2000, 11:19  
RECEIVED BY: NL**

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE:  
Reorganization of the rule to be more consistent with other  
rules of the office.

SUMMARY OF THE RULE OR CHANGE: This is a reorganization of  
the structure of a rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS  
RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost to the  
state. There may be slight savings to the state in printing  
costs.

❖LOCAL GOVERNMENTS: There is no cost or savings to local  
government as these rules do not apply to local government.

❖OTHER PERSONS: There would be no change in costs for  
other persons. This is a reorganization of a rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be  
no change in compliance costs for the affected persons. This  
is a reorganization of a rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT  
THE RULE MAY HAVE ON BUSINESSES: There would be no  
impact on businesses. This is a reorganization of the  
structure of a rule.

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

Human Services  
Administration, Administrative Services,  
Licensing  
Room 303  
120 North 200 West  
Salt Lake City, UT 84114, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Sedgwick at the above address, by phone at (801)  
538-4242, by FAX at (801) 538-4553, or by Internet E-mail at  
hsadmin2.gsedgwic@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE  
BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO  
LATER THAN 5:00 P.M. ON 06/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/16/2000

AUTHORIZED BY: Reta D. Oram, Director

**R501. Human Services, Administration, Administrative  
Services, Licensing.**

~~[R501-11. Categorical Standards.~~

~~R501-11-1. Social Detoxification Programs.~~

~~A. Definition~~

~~Social Detoxification Program means a short-term non-medical  
treatment service for individuals unrelated to the owner or provider  
in accordance with 62A-2-101,19:~~

~~B. Purpose~~

~~The program offers room, board and specialized rehabilitation  
services to persons who are in an intoxicated state. In social  
detoxification, individuals are assisted in acquiring the sobriety and  
a drug free condition necessary for living in the community and  
places emphasis on helping the individual obtain further care after  
detoxification:~~

~~C. Administration~~

~~A current list of enrollment of all registered consumers shall be  
on-site at all times.~~

~~**R501-11. Social Detoxification Programs.**~~

~~**R501-11-1. Authority.**~~

~~Pursuant to 62A-2-101 et seq., the Office of Licensing, shall  
license social detoxification programs according to the following  
rules.~~

~~**R501-11-2. Purpose.**~~

~~A social detoxification program offers room, board and  
specialized rehabilitation services to persons who are in an  
intoxicated state. In social detoxification, individuals are assisted  
in acquiring the sobriety and a drug free condition necessary for  
living in the community and the program places an emphasis on  
helping the individual obtain further care after detoxification.~~

~~**R501-11-3. Definition.**~~

~~Social detoxification Program means a short-term non-medical  
treatment service for individuals unrelated to the owner or provider  
in accordance with 62A-2-101(18).~~

~~**R501-11-4. Administration.**~~

~~A. In addition to the following rules, all social detoxification  
programs shall comply with R501-2, Core Rules.~~

~~B. A current list of enrollment of all registered consumers  
shall be on-site at all times.~~

**R501-11-5. Staffing.**

~~A. D. Staffing~~  
 — ~~1.~~ Each program shall have an employed manager who is responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute available.

~~2. B.~~ Professional staff shall include at least one of the following individuals who have received training to work with substance abusers:

~~a. 1.~~ a licensed physician, or a consulting licensed physician, or

~~b. A) 2.~~ a licensed mental health therapist, or a consulting licensed mental health therapist, or

~~c. 3.~~ a licensed psychologist or consulting licensed psychologist, and

~~d. 4.~~ a licensed substance abuse counselor or unlicensed staff who work with substance abusers shall be supervised by a licensed clinical professional.

~~3. C.~~ The program shall have a staff person trained, by a certified instructor~~;~~ in standard first aid and CPR, on duty with the consumers at all times. Training shall be updated as required by the certifying agency.

**R501-11-6. Direct Service.**

~~E. Direct Service~~  
 — ~~1.~~ Program service records shall contain the following:

~~1. A.~~ name, address, telephone number and admission date,

~~2. B.~~ emergency information with names, addresses and telephone number, of a preferred individual and next of kin, and

~~3. C.~~ a statement indicating that the consumer meets the admission criteria.

**R501-11-7. Physical Facilities.**

The program shall maintain appropriate documentation of compliance with the following items as applicable:

A. local zoning ordinances,

B. local business license,

C. local building codes,

D. local fire safety regulations, and

E. local health codes.

**R501-11-8. Physical Environment.**

The program shall take appropriate measures to ensure a safe physical environment for consumers and staff.

~~F. Physical Facilities~~  
 — ~~1.~~ Staff Quarters: A 24 hour live-in staff shall have separate living space with a private bathroom.

— ~~2. A.~~ Administrative Space: Program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.

B. Staff Quarters: A 24 hour live-in staff shall have separate living space with a private bathroom.

~~3. C.~~ Sleeping Accommodations

~~a. 1.~~ Large rooms may be utilized as dormitories.

~~b. 2.~~ A minimum of 50 square feet per consumer shall be provided in a multiple occupant bedroom. Storage space shall ~~will~~ not be counted.

~~c. 3.~~ A minimum of 70 square feet per individual shall be provided in a single occupant bedroom. Storage space shall ~~will~~ not be counted.

~~d. 4.~~ Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.

~~e. 5.~~ Each bed, none of which shall be portable, shall be solidly constructed and be provided with clean linens after each consumer stay and at least weekly.

~~f. 6.~~ Sleeping quarters serving male and female residents shall be structurally separated.

~~4. D.~~ Bathrooms

~~a. 1.~~ Bathrooms shall meet a minimum ratio of one toilet, one lavatory, and one tub or shower for each eight residents. These shall be maintained in good operating order and in a clean and safe condition ~~manner~~.

~~b. 2.~~ Toilets and baths or showers shall allow for individual privacy. They shall also accommodate ~~accomodate~~ consumers with physical disabilities, as required.

~~c. 3.~~ Bathroom mirrors shall be secured to the walls at convenient heights.

~~d. 4.~~ Each bathroom shall be properly equipped with toilet paper, towels, soap and other items required for personal hygiene.

~~e. 5.~~ Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.

~~5. E.~~ Laundry Service

Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing. Laundry appliances ~~appliances~~ shall be maintained in good operating order and in a clean and safe condition.

~~6. F.~~ Food Service

~~a. 1.~~ One person shall be responsible for food service. If this person is not a professionally qualified dietician, annual consultation with a qualified dietitian shall be obtained.

~~b. 2.~~ The person responsible for food service shall maintain a current list of consumers with special nutritional needs, record in the consumer's ~~consumers~~ service record information relating to special nutritional needs, and provide nutrition counseling where indicated.

~~c. 3.~~ Kitchens shall have clean and safe operational equipment for the preparation, storage, serving and clean up of all meals.

~~7. Program shall maintain appropriate documentation of compliance with the following items as applicable:~~

~~a. local zoning ordinance;~~

~~b. local business license;~~

~~c. local building codes;~~

~~d. local fire safety regulations, and~~

~~e. local health codes;~~

~~8. The program shall take appropriate measures to ensure a safe physical environment for consumers and staff.~~

~~G. Specialized Services]~~

**R501-11-9. Specialized Services.**

~~1. A.~~ The program shall not admit those who are currently experiencing convulsions, in shock, delirium tremens, in a coma, or unconscious.

~~[2. Program]~~ B. The program shall complete the clinical assessment ~~within~~ 72 hours after a consumer is admitted.

~~[3.]~~ C. Consumers shall be tested for tuberculosis ~~before or upon admission~~, and program staff shall be tested every six months.

~~[4. Prescription]~~ D. ~~Prescriptive medication or medications shall be [provided]administered as [prescribed by a qualified person,]prescribed by a qualified medical practitioner who is licensed according to the Medical Practices Act. Me[di]cation shall be kept in a locked storage area. The program shall have a written policy and procedure to include the following:~~

- ~~[a.]~~ 1. self administered medication,
- ~~[b.]~~ 2. storage,
- ~~[c.]~~ 3. control,~~[ and]~~
- ~~[d.]~~ 4. release and disposal of ~~medication~~[drugs] in accordance with federal and state regulations, ~~and~~
- 5. record side effects of medication.

**KEY: licensing, human services, substance abuse\***  
~~[December 2, 1997]~~ 2000 62A-2-101 et seq. ~~[116]~~  
Notice of Continuation September 2, 1997

◆ ————— ◆  
**Insurance, Administration**  
**R590-160-8**  
**Agency Review**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 22797  
FILED: 04/26/2000, 11:07  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The intent of this proposed change is to give specific direction on the processing and handling of agency reviews.

SUMMARY OF THE RULE OR CHANGE: Six new subsections have been added to Section R590-160-8. The additions give specific direction on the processing and handling of agency reviews: 1) new Subsection R590-160-8(4), entitled "Content of a Request for Agency Review and Submission of the Record," details what must be set forth in a request for agency review. Additionally the new subsection sets forth the process and utilization of a transcript; 2) Subsection R590-160-8(5), "Effect of Filing," sets forth the process for requesting a stay of the prior administrative order pending agency review; 3) Subsection R590-160-8(6), "Memoranda," sets forth the timetables for filing legal memoranda of the parties; 4) Subsection R590-160-8(7), "Oral Argument," permits oral argument in the discretion of the commissioner; 5) Subsection R590-160-8(8), "Standard of Review," sets the

standard for agency review as the same as judicial review of a formal adjudicative proceeding; and 6) Subsection R590-160-8(9), "Order on Review," sets forth that the order on review shall identify the effective date of the order and comply with the requirements of Subsection 63-46b-12(6).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-201

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The changes in this rule will not require insurers to change their policy rates or forms which would have affected fees coming into the department. Nor will the changes require additional or reduced work on the part of the department.
- ❖ LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency.
- ❖ OTHER PERSONS: This rule will requiring parties who appeal unfavorable administrative rulings to file more detailed paperwork to perfect such appeal. Dependent on the nature of the appeal, costs will vary from party to party. These changes should not impact policy premiums or individual consumers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule will require parties who appeal unfavorable administrative rulings to file more detailed paperwork to perfect such appeal. Dependent on the nature of the appeal, costs will vary from party to party. These changes should not impact policy premiums or individual consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on insurance consumers and no major fiscal impact on insurance companies and agents.

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

Insurance  
Administration  
3110 State Office Building  
Salt Lake City, UT 84114, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/23/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/15/2000, 2:00 p.m., 2112 State Office Building, Salt Lake City, UT 84116.

THIS RULE MAY BECOME EFFECTIVE ON: 07/03/2000

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R590. Insurance, Administration.****R590-160. Administrative Proceedings.****R590-160-8. Agency Review.**

~~[A-]~~(1) Agency review of an administrative proceeding not otherwise final shall be available to any party to ~~[am]~~such administrative proceeding by filing a petition for review with the commissioner within 30 days of the date of the entry of the date of an order issued in that proceeding. Failure to seek agency review shall be considered a failure to exhaust administrative remedies.

~~[B-]~~(2) Petitions for Review shall be filed in accordance with Section 63-46b-12.

~~[C-]~~(3) Review shall be conducted by the commissioner or a person or persons he may designate, including members of department staff. If the review is conducted by other than the commissioner, the persons conducting the review shall recommend a disposition to the commissioner who shall make the final decision and shall sign the order.~~[-On review, the commissioner or his designee(s) may, at their election, accept briefs or other papers, or accept oral argument.]~~

~~[D-]~~(4) Content of a Request for Agency Review and Submission of the Record.

(a) The content of a request for agency review shall be in accordance with Subsection 63-46b-12(1)(b). The request for agency review shall include a copy of the order which is the subject of the request.

(b) A party requesting agency review shall set forth any factual or legal basis in support of that request, including adequate supporting arguments and citation to appropriate legal authority and to the relevant portions of the record developed during the adjudicative proceeding.

(c)(i) If a party challenges a finding of fact in the order subject to review, the party must demonstrate, based on the entire record, that the finding is not supported by substantial evidence.

(ii) A party challenging a legal conclusion must support their argument with citation to any relevant authority and also cite to those portions of the record which are relevant to that issue.

(d)(i) If the grounds for agency review include any challenge to a determination of fact or conclusion of law as unsupported by or contrary to the evidence, the party seeking agency review shall order and cause a transcript of the record relevant to such finding or conclusion to be prepared. R590-160-6.A.5.b shall govern as to acquisition of hearing tapes for preparation of such transcript.

(ii) When a request for agency review is filed under such circumstances, the party seeking review shall certify that a transcript has been ordered and shall notify the commissioner when the transcript will be available for filing with the department.

(iii) The party seeking agency review shall bear the cost of the transcript.

(iv) The commissioner may waive the requirement of preparation of a written transcript and permit citation to the electronic tape recording of such administrative proceeding upon appropriate motion and a showing of reasonableness where such citation would not be extensive and the costs and period of time in preparation of a written transcript would be unduly burdensome in relation thereto.

(e) Failure to comply with this rule may result in dismissal of the request for agency review.

**(5) Effect of Filing.**

(a) Upon the timely filing of a request for agency review, the party seeking review may request that the effective date of the order subject to review be stayed pending the completion of review. If a stay is not timely requested, the order subject to review shall take effect according to its terms.

(b) The department may oppose the request for a stay in writing within 10-days from the date the stay is requested. Failure to oppose a timely request for a stay shall result in an order granting the stay unless the commissioner determines that a stay would not be in the best interest of the public.

(c)(i) In determining whether to grant a request for a stay or a motion opposing that request, the commissioner shall review the findings of fact, conclusions of law and order to determine whether granting a stay would, or might reasonably be expected to, pose a significant threat to the public health, safety and welfare.

(ii) The commissioner may also enter an interim order granting a stay pending a final decision on the motion for a stay.

(iii) The commissioner may also issue a conditional stay by imposing terms, conditions or restrictions on a party pending agency review.

**(6) Memoranda.**

(a) The commissioner may order or permit the parties to file memoranda to assist in conducting agency review. Any memoranda shall be filed consistent with these rules or as otherwise governed by any scheduling order entered by the department.

(b)(i) When no transcript is necessary to conduct agency review, any memoranda supporting a request for such review shall be concurrently filed with the request.

(ii) If a transcript is necessary to conduct agency review, any supporting memoranda shall be filed no later than 15-days after the filing of the transcript with the department.

(c) Any response to a request for agency review and any memoranda supporting that response:

(i) when no transcript is necessary to conduct agency review shall be filed no later than 15-days from the filing of the request for agency review; or

(ii) if a transcript is necessary to conduct agency review shall be filed no later than 15-days from the filing of any subsequent memoranda supporting the request for agency review.

(d) Any final reply memoranda shall be filed no later than 5-days after the filing of a response to the request for agency review and any memoranda supporting that response.

**(7) Oral Argument.**

The request for agency review or the response thereto shall state whether oral argument is sought in conjunction with agency review. The commissioner may order or permit oral argument if the commissioner determines such argument is warranted to assist in conducting agency review.

**(8) Standard of Review.**

The standards for agency review correspond to the standards for judicial review of formal adjudicative proceedings, as set forth in Subsection 63-46b-16(4).

**(9) Order on Review.**

(a) The order on review shall identify the effective date of the order and shall comply with the requirements of Subsection 63-46b-12(6).

(b) An Order on Review may affirm, reverse or amend, in whole or in part, the previous order, or remand for further proceedings or hearing.

KEY: insurance

[1994]2000

Notice of Continuation January 22, 1999

31A-2-201

63-46b-1

63-46b-5

Salt Lake City, UT 84111, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Steven H. Stewart at the above address, by phone at (801) 533-3200, by FAX at (801) 533-3208, or by Internet E-mail at sstewart@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Steven H. Stewart, Executive Director

Judicial Conduct Commission,  
Administration

**R595-1-6**

Notice After Finding of Reasonable Cause

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22788

FILED: 04/18/2000, 12:04

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The current rule is not consistent with H.B. 285; this amendment removes reference to "private reprimand."

SUMMARY OF THE RULE OR CHANGE: The new proposed rule deletes reference to "private reprimand," which makes it consistent with H.B. 285.

(DAR Note: H.B. 285 is found at 2000 Utah Laws 148, and was effective May 1, 2000.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article VIII, Section 13; Section 78-8-107

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--Judicial Conduct Commission rules do not apply to state government.

❖LOCAL GOVERNMENTS: None--Judicial Conduct Commission rules do not apply to local government.

❖OTHER PERSONS: This will only impact the disciplinary procedures taken by the Judicial Conduct Commission against state judges; there is no anticipated cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change only impacts the disciplinary procedures taken by the Judicial Conduct Commission against state judges and no additional costs to any "person" is anticipated.

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

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

Judicial Conduct Commission  
Administration  
Law and Justice Center  
645 South 200 East, Suite 104

**R595. Judicial Conduct Commission, Administration.**

**R595-1. Rules of Procedure.**

**R595-1-6. Notice After Finding of Reasonable Cause.**

(a) After the preliminary investigation has been completed, if the Commission finds reasonable cause that formal proceedings should be instituted, the Commission may without delay issue a written notice advising that formal proceedings have been instituted to inquire into the charges against the judge[ ~~or issue a private reprimand~~]. Such proceedings shall be entitled:

"BEFORE THE JUDICIAL CONDUCT COMMISSION  
Inquiry Concerning a Judge, In re (insert judge's full name),  
Case No. .... "

(b) The notice shall specify in ordinary and concise language the charges against the judge, the alleged facts upon which such charges are based, the canons of the Code of Judicial Conduct the judge allegedly violated, and shall advise the judge of the right to file a written answer to the charges within 15 days after service of the notice upon the judge.

(c) A copy of the notice shall be personally served upon the judge, or mailed to the judge, postage prepaid, by registered or certified mail.

KEY: judges, judicial ethics, proceedings, sanctions

[~~October 20, 1998~~]2000

78-7-27

78-~~[7-30]~~8-107

Judicial Conduct Commission,  
Administration

**R595-1-9**

Informal Resolution of Complaints

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22789

FILED: 04/18/2000, 12:04

RECEIVED BY: NL



**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 285 does not provide for informal resolutions of complaints; this section of the rule is deleted to conform with H.B. 285.

SUMMARY OF THE RULE OR CHANGE: This section of the rule is deleted because H.B. 285 does not provide for informal resolutions of complaints.

(DAR Note: H.B. 285 is found at 2000 Utah Laws 148, and was effective May 1, 2000.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article VIII, Section 13; and Section 78-8-107

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--Judicial Conduct Commission rules do not apply to state government.

❖LOCAL GOVERNMENTS: None--Judicial Conduct Commission rules do not apply to local government.

❖OTHER PERSONS: This will only impact the disciplinary procedures taken by the Judicial Conduct Commission against state judges; there is no anticipated cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change only impacts the disciplinary procedures taken by the Judicial Conduct Commission against state judges and no additional costs to any "person" is anticipated.

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

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

Judicial Conduct Commission  
Administration  
Law and Justice Center  
645 South 200 East, Suite 104  
Salt Lake City, UT 84111, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven H. Stewart at the above address, by phone at (801) 533-3200, by FAX at (801) 533-3208, or by Internet E-mail at sstewart@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Steven H. Stewart, Executive Director

**R595. Judicial Conduct Commission, Administration.**

**R595-1. Rules of Procedure.**

~~**R595-1-9. Informal Resolution of Complaints.**~~

~~At any time after the institution of a preliminary investigation, the Commission may, with the written consent of the judge, informally:~~

~~(1) Reprimand a judge for conduct that is unacceptable under one of the grounds for judicial discipline that does not merit formal proceedings;~~

~~(2) Admonish a judge that the judge's conduct appears improper even though it does not warrant a reprimand and warn the judge of ethical responsibilities imposed by statute and the Code of Judicial Conduct and the need to avoid such conduct or inappropriate practices in the future;~~

~~(3) Direct professional counseling and assistance for a judge, including a medical examination, and monitor the judge's subsequent behavior;~~

~~(4) Impose conditions on a judge's conduct or instruct a judge to make specific changes in particular matters of conduct;~~

~~(5) Resolve a complaint by any other appropriate means consistent with these rules.~~

~~If a judge accepts informal resolution of a complaint, the Commission shall notify the complainant(s) of that fact, unless the Commission finds that notification is not in the interest of justice, and may, in its sole discretion, notify the complainants concerning the nature of the resolution.]~~

**KEY: judges, judicial ethics, proceedings, sanctions**

~~[October 20, 1998]2000~~

~~78-[7-27]8-102~~

~~78-[7-30]8-107~~



**Natural Resources, Water Rights**

**R655-3**

**Reports of Water Right Conveyance**

**NOTICE OF PROPOSED RULE**

(New)

DAR FILE No.: 22806

FILED: 05/01/2000, 07:47

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule specifies when a water right owner is authorized to prepare a Report of Conveyance to the state engineer, the information required in such reports, and the procedures for processing such reports.

SUMMARY OF THE RULE OR CHANGE: This rule is issued pursuant to Section 73-1-10 and includes the scope and purpose of the rule; definitions of water rights terms applicable to the Report of Conveyance; when a water right owner is authorized to prepare a Report of Conveyance; the deeds necessary to file the Report of Conveyance; the content of the Report of Conveyance; and the process for filing a Report of Conveyance.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 73, Chapter 1

## ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: State agencies that own water rights and transfer ownership will be required to pay the stipulated fee (\$25 - \$30) to process a Report of Conveyance and any attorney or professional fees required depending upon the complexity of the transfer of ownership. Long-term cost savings are anticipated in manpower, facilities, and equipment that would have had to be budgeted if the Division of Water Rights was solely responsible for the research and process of title transfer. A fee of \$25 - \$30 (the amount has not yet been determined) will be charged for each Report of Conveyance filed with the division.

❖LOCAL GOVERNMENTS: Government agencies that own water rights and transfer ownership will be required to pay the stipulated fee (\$25 - \$30) to process a Report of Conveyance and any attorney or professional fees required depending upon the complexity of the transfer of ownership.

❖OTHER PERSONS: Individuals, corporations, and industries that own water rights and transfer ownership will be required to pay the stipulated fee (\$25 - \$30) to process a Report of Conveyance and any attorney or professional fees required depending upon the complexity of the transfer of ownership. COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs to affected persons who wish to transfer ownership of a water right will depend upon the complexity of the transfer. Professional fees, such as attorneys or title professionals may be required if records of ownership are not in order. The Division of Water Rights will charge a fee of \$25 - \$30 (the amount has not yet been determined) at time of filing a Report of Conveyance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Most businesses, when purchasing water, have title researched before they acquire the water rights. The additional filing fee for title conveyance will not cause a burden--Kathleen Clarke

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

Natural Resources  
Water Rights  
Department of Natural Resources Building  
1594 West North Temple  
PO Box 146300  
Salt Lake City, UT 84114-6300, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Mary Beth Gray at the above address, by phone at (801) 538-7370, by FAX at (801) 538-7467, or by Internet E-mail at nrwrt.bgray@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2000

AUTHORIZED BY: Robert L. Morgan, State Engineer

**R655. Natural Resources, Water Rights.****R655-3. Reports of Water Right Conveyance.****R655-3-1. Scope and Purpose.**

These rules are issued pursuant to Section 73-1-10 which provides that the state engineer shall adopt rules that specify when a water right owner is authorized to prepare a Report of Conveyance to the state engineer; the kinds of information required in such reports; and the procedures for processing such reports.

**R655-3-2. Definitions.**

BENEFICIAL USE - the basis, the measure and the limit of a water right. It is the amount of water use allowed by the water right expressed in terms of the purpose(s) to which the water may be applied. For example, in the case of irrigation, the beneficial use is expressed as the number of acres that may be irrigated by the water right (e.g. 40 acres).

CHANGE APPLICATION - as allowed by Section 73-3-3, any person entitled to the use of water may make permanent or temporary changes in the point of diversion, place of use, or nature of use of a water right by making application upon forms furnished by the state engineer

DIVERSION LIMIT - the total volume of water in acre feet or the flow rate in cubic feet per second which may be diverted as allowed by the water right to meet the needs of the beneficial uses authorized by the water right.

DIVISION - the Utah Division of Water Rights within the Department of Natural Resources.

PROFESSIONAL - for the purposes of this rule, a person, as specified in Section 73-1-10, who is licensed in Utah as an attorney, a professional engineer, a title insurance agent, or a professional land surveyor.

REPORT OF CONVEYANCE - a report of water right conveyance to the state engineer as required by Section 73-1-10.

**R655-3-3. When a Water Right Owner is Authorized to Prepare a Report of Conveyance.**

A water right owner may prepare a Report of Conveyance without the certification of a professional in the situations described below in subsections 3.2, 3.3, and 3.4. In all other situations, a Report of Conveyance must be prepared by or under the direct supervision of, and certified by, a professional.

3.1 On each of the documents (deed, marriage certificate, divorce decree, death certificate, or probate document) required in the situations described in subsections 3.2, 3.3, and 3.4, the name appearing on the document (the grantor in the case of a deed) must be exactly the same as the name of the water right owner as shown on the division's records. If there are differences in the names, the discrepancy may be addressed by attaching to the Report of Conveyance affidavits executed by the appropriate parties asserting that the persons named are one and the same.

3.2 Ownership changes which involve simple water rights conveyances.

3.2.1 A deed which conveys an entire water right and which specifically identifies the water right being conveyed by the state engineer's water right number (for example 43-1638).

3.2.2 A deed which conveys more than one water right and which meets the criteria of paragraph 3.2.1 for each water right conveyed.

3.2.3 A deed which conveys a portion of a water right and which conforms to the following suggested Water Right Deed format:

3.2.3.1 The deed must be clearly labeled "WATER RIGHT DEED".

3.2.3.2 The deed must contain standard warranty deed or quit claim deed conveyance language.

3.2.3.3 The deed must be limited to the conveyance of water rights and must convey only one water right.

3.2.3.4 The deed must contain all of the information necessary to clearly identify the water right conveyed. The deed must show the water right number. If this interest in the water right has been segregated from another water right, the deed must show the currently assigned water right number. The water right number will be the basis for identifying the water right, however, the deed may also show other numbers pertinent to the water right such as a diligence claim number, an application number, an award number from a decree, etc.

3.2.3.5 The deed must name a grantee. (The name of the grantee as shown on the deed will be the name used to update the division's records.)

3.2.3.6 The deed must show the current mailing address for the grantee. (This will be the address to which the division will mail official notices regarding administrative actions on the water right.)

3.2.3.7 The deed must describe the beneficial uses conveyed by type and amount. For example:

TABLE 1

Irrigation	38.50 acres
Stockwatering	10 cattle or equivalents
Domestic	1 family

(The division will use the beneficial use information to update the water right ownership.) The volume of water conveyed in acre feet or the flow rate conveyed in cubic feet per second or gallons per minute, is not required on the deed. However, if it is shown on the deed, it must be consistent with the beneficial use(s) shown on the deed.

3.2.3.8 If there are multiple grantors and/or multiple grantees, the deed must clearly indicate the interest conveyed from each grantor and/or the interest acquired by each grantee.

3.2.3.9 The deed must list by number any approved or unapproved pending change applications which are associated with the water right. The deed must also describe the type and amount of beneficial use associated with each of these applications that is being conveyed with the water right. For example:

TABLE 2

Irrigation	20.50 acres
Stockwatering	5 cattle or equivalents
Domestic	1 family

3.2.3.10 The deed must be signed by all grantors, notarized, and recorded in the county where the water is diverted and in the county where the water is used. If the water is diverted or used in more than one county, the deed must be recorded in each county where the water is diverted or used.

3.2.4 Reports of Conveyance prepared by water right owners may be based on more than one deed in the chain of deeds as long as each deed complies with the requirements of 3.2.1, 3.2.2, or 3.2.3.

3.3 Name changes which are due to marriage or divorce

3.3.1 In the case of marriage, a water right owner's name may be changed from the prior or maiden name to the married name. The Report of Conveyance must be accompanied by a copy of the marriage certificate.

3.3.2 In the case of divorce, a water right owner's name may be changed from the married name to the prior or maiden name. The Report of Conveyance must be accompanied by a copy of the divorce decree.

3.3.3 To add or remove a spouse, the water right ownership may be updated according to the procedure described in 3.2 above.

3.4 Ownership changes which are due to the death of the water right owner

3.4.1 When the water right is held in joint tenancy, the ownership may be updated to remove the name of the deceased joint tenant. The Report of Conveyance must be accompanied by a copy of the death certificate.

3.4.2 When the water right is not held in joint tenancy and there is only one successor to the deceased and the probate document clearly defines the distribution of the estate, the ownership may be updated to the successor. The Report of Conveyance must be accompanied by a copy of the probate document.

**R655-3-4. Content of the Report of Conveyance.**

A Report of Conveyance must have sufficient documentation presented in a standard statement format to demonstrate the chain of title connecting the owner as shown on the Division's water right records to the person currently claiming ownership of all or a portion of the water right. The Report of Conveyance shall be submitted on forms provided by the state engineer. The information required in a Report of Conveyance for most ownership transactions includes the information described below and any other information deemed necessary by the state engineer to process the report.

4.1 Information required on all Reports of Conveyance

4.1.1 The type of conveyance document.

4.1.2 The date the document was signed and the county recorder information.

4.1.3 The grantor name(s) as it appears on the conveyance document.

4.1.4 The grantee name(s) exactly as it appears on the conveyance document.

4.1.5 The current mailing address of the grantee.

4.1.6 Any pending change applications or non-use applications associated with the conveyance document.

4.1.7 Any special conditions of the conveyance document

4.1.8 Unless the Report of Conveyance is prepared by the water right owner as allowed by R655-3-3, it must include a certification by a professional stating that (s)he has prepared or supervised the preparation of the Report of Conveyance, that the report is true and accurate to the best of the preparer's knowledge, and that the attached documents evidence the ownership interest of the grantee. The certification must include the professional's name, profession, license number, and phone number. The certification also requires the name and phone number of the grantee.

4.2 In addition to the information described in 4.1, a Report of Conveyance which involves conveyance of only a portion of the water right must also include the following information:

4.2.1 The amount and type of each beneficial use that was conveyed by this document.

4.2.2 If applicable, the amount of each type of beneficial use associated with any pending change that was conveyed by the documents.

4.2.3 The diversion limit conveyed as applicable (see sub section 3.2.3.7).

4.3 The supporting information which must accompany each Report of Conveyance include the following items:

4.3.1 Maps (if needed to establish water right appurtenance to land or to establish the portion of the water right conveyed by appurtenance)

4.3.2 Any explanatory narrative deemed necessary by the certifier.

4.3.3 Any necessary affidavits

4.3.4 Copies of all conveyance documents listed on the summary sheet.

4.3.4.1 Conveyance documents (deeds, etc.) must bear county recorder's stamp with all recording information (document number, book, page, recording date, etc.).

4.3.4.2 Documents must be legible.

4.3.4.3 Documents must be arranged in chronological order by recording date/number.

**R655-3-5. Procedures for Processing a Report of Conveyance.**

5.1 Upon receiving a Report of Conveyance and the prescribed fee, the state engineer shall review the Report to see that it is acceptably complete. A Report of Conveyance is acceptably complete if the Report includes all the information and material required in section R655-3-4 which is necessary to update the water right ownership records of the state engineer to the name of the person claiming water right ownership and which does not conflict with other water right ownership information of record with the state engineer.

5.2 If a Report of Conveyance is acceptably complete, the state engineer shall file the Report and update the water right ownership records according to the Report.

5.3 If a Report of Conveyance is not acceptably complete, the state engineer shall return the Report with an explanation of why it is not acceptably complete. The state engineer may not file the Report and update the water right ownership records unless the Report is resubmitted with the necessary information and material.

**KEY: water right, conveyance, ownership  
2000**

**73-1**

Public Service Commission,  
Administration  
**R746-343-15**  
Surcharge

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 22798

FILED: 04/26/2000, 14:07

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To reduce revenues collected through surcharge to more closely match expected expenditures.

SUMMARY OF THE RULE OR CHANGE: The proposed change reduces the surcharge from \$0.18 to \$0.10.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 54-8b-10(4)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The surcharge assessed to state access lines will be reduced. The resulting aggregate surcharge amount will be 10/18 of the prior total amount. The exact aggregate amount for the state is not readily calculable by the agency due to a lack of information of the number of state access lines.

❖LOCAL GOVERNMENTS: The surcharge assessed to local government access lines will be reduced. The resulting aggregate surcharge amount will be 10/18 of the prior total amount. The exact aggregate amount for local governments is not readily calculable by the agency due to a lack of information of the number of local government access lines.

❖OTHER PERSONS: The surcharge assessed to individual access lines will be reduced. The resulting aggregate surcharge amount will be 10/18 of the prior total amount. The exact aggregate amount for individuals is not readily calculable by the agency due to a lack of information of the number of access lines for individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The surcharge is assessed upon each access line in Utah. Because the proposed change is a reduction in the surcharge amount, compliance costs will be reduced. While the number of access lines is determinable, the proportion of access lines attributable to the classifications referenced in this form has not been made. Aggregate surcharge collections in 1999 were \$2,561,822. With the reduction proposed, future aggregate collections will be reduced proportionately, projected to be \$1,565,557.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Under the existing surcharge rate, the funding amounts collected have exceeded expenditures incurred in the operation of the telephone relay services and program. The surcharge base has grown in different proportion to the change in expenditures. The proposed rule change will result in a reduction of approximately 40% in the surcharge rates paid to fund this statutorily mandated telephone relay program.

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

Public Service Commission  
Administration  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84111, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Barbara Stroud (designee), Paralegal

**R746. Public Service Commission, Administration.  
R746-343. Rule for Deaf, Severely Hearing or Speech Impaired Person.**

**R746-343-15. Surcharge.**

A. The surcharge will be placed on access lines as determined by the count of main stations or its equivalent.

B. The surcharge established by the Commission in accordance with Subsection 54-8b-10(4) is \$.~~18~~10.

C. Subject to Subsection R746-343-15(D), the telephone surcharge will be collected by each local exchange company providing basic service in Utah and submitted, less administrative cost, to the Public Service Commission on a quarterly basis.

D. The provider will submit its budget for annual review by the Public Service Commission.

E. The telephone surcharge need not be collected by a local exchange company if the amount collected would be less than the actual administrative costs of that collection. In that case, the local exchange company shall submit to the Commission, in lieu of the revenue from the surcharge collection, a breakdown of the anticipated costs and the expected revenue from the collection showing that the costs exceed the revenue.

**KEY:** AFDC, physically handicapped, rates, telecommunications  
~~1994~~2000 54-8b-10  
Notice of Continuation December 17, 1997



Regents (Board of), Administration

**R765-605**

Utah Centennial Opportunity Program  
for Education

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 22816

FILED: 05/01/2000, 16:11

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To respond to changes in the pattern of federal government appropriations for the campus-based student financial aid programs and experience of Utah institutions in administration of UCOPE.

SUMMARY OF THE RULE OR CHANGE: To permit greater flexibility for a specific college or university to respond to its individual needs, to provide a slightly larger margin of tolerance related to higher costs of attendance in recent years and to provide a less onerous guideline for the maximum hourly wages paid on UCOPE (Utah Centennial Opportunity Program for Education) work-study jobs.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-8-102; and Title 53B, Chapter 13a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the changes do not have any affect on the amount of funds appropriated by the state.

❖LOCAL GOVERNMENTS: None--these changes will not require any extra staff resources.

❖OTHER PERSONS: None--these are changes to an existing program which have no new fiscal impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the changes relax current administrative requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Private businesses are not involved or affected.

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

Regents (Board of)  
Administration  
Suite 550, 3 Triad Center  
355 West North Temple  
PO Box 45202  
Salt Lake City, UT 84180-1205, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Chalmers Gail Norris at the above address, by phone at (801) 321-7205, by FAX at (801) 321-7299, or by Internet E-mail at gnorris@utahsbr.edu.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner for Student Financial Aid

**R765. Regents (Board of), Administration.  
R765-605. Utah Centennial Opportunity Program for Education.**

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**R765-605-4. Policy.**

4.1. Program Description - UCOPE is a State supplement to increasingly inadequate grant and work assistance from Federal Government student financial aid programs. In UCA 53B-13a-103(1), the Legislature finds "that the general welfare and well-being of the state are directly related to the educational levels and skills of the citizens of the state, and that limited financial aid for students with demonstrated financial need to help finance costs of attendance at Utah postsecondary institutions is a necessary component for ensuring access to postsecondary education and training as the state enters its second century of statehood". Program funds may be used for either grants or work-study awards to students with demonstrated financial need, with no more than 3.0% of funds allocated to an eligible institution permitted to be used for administrative costs. These are the only purposes for which program funds may be used.

4.2. Award Year - The award year for UCOPE is the twelve-month period designated by an eligible institution, coinciding approximately with the state fiscal year beginning July 1 and ending June 30. An institution may choose to have its Summer enrollment period as either the first or the final enrollment period of the award year for UCOPE purposes.

4.3. Institutions Eligible to Participate - Eligible institutions include the nine institutions of the Utah System of Higher Education, the five Utah Applied Technology Centers, and a Utah private nonprofit postsecondary institution which is accredited by a regional accrediting organization recognized by the Board. These are the only institutions eligible to participate. For purposes of this section, the Board recognizes the Northwest Association of Schools and Colleges. Utah private nonprofit postsecondary institutions accredited by the Northwest Association of Schools and Colleges are Brigham Young University, Westminster College and LDS Business College.

4.4. Students Eligible to Participate - To be eligible for grant or work-study assistance from UCOPE funds, a student must:

4.4.1. Be a resident student of the State of Utah under UCA 53B-8-102 and Board Policy R512. For purposes of this section, in addition to the qualification methods set forth in Policy R512, an institution may recognize a student as a resident student of the State of Utah if the student graduated from a Utah high school within 12 months of enrolling in the institution.

4.4.2. Be unconditionally admitted and currently enrolled in an eligible institution on at least a half-time basis as defined in Federal regulations applicable to Title IV of the Higher Education Act, in a post-high school program of at least nine months duration, leading to an Associate or Bachelor's degree, or to a diploma or certificate in an applied technology or other occupational specialty. This does not include unmatriculated students or students enrolled in postbaccalaureate programs or in remedial or developmental

programs to prepare for admittance to a degree, diploma, or occupational certificate program.

4.4.3. Be maintaining satisfactory progress, as defined by the institution, toward the degree, diploma, or certificate objective in which enrolled.

4.4.4. Meet all requirements of general eligibility for Federal Higher Education Act Part IV Student Financial Aid Programs, as defined in applicable U. S. Department of Education Regulations and the current edition of the Department of Education Student Aid Handbook.

4.4.5. Have a demonstrated need for financial assistance based on the defined Cost of Attendance for the applicable student category at the institution and the expected family contribution as determined by the Federal need analysis process for Higher Education Act Title IV student financial assistance programs.

4.5. Program Administrator - The program administrator for UCOPE is the Associate Commissioner for Student Financial Aid, or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education.

4.6. Determination of Funds Available for The Program - Funds available for UCOPE allotments to institutions may come from specifically earmarked state appropriations, from the statewide student financial aid line item appropriation to the Board, or from other sources such as private contributions. Amounts available for allotment each year are determined as follows:

4.6.1. Consistent with the original purposes of the Statewide Student Financial Aid line item appropriation to the Board, funds appropriated in the line item are applied in the following priority order:

4.6.1.1. First priority is given to matching funds for Utah System of Higher Education institutional awards from the Federal Government for campus-based Federal Perkins Loan Program capital contributions, Federal Supplemental Educational Opportunities Grant Program funds, and partial matching for the Federal College Work Study Program.

4.6.1.2. Second priority is given to providing the required state match for allocations of State Student Incentive Grant Program funds to the State of Utah.

4.6.1.3. All remaining funds are used for UCOPE.

4.6.2. All funds appropriated by specific legislation, or in a specific line item for UCOPE, and any funds from other sources contributed for UCOPE, are added together with funds available for UCOPE pursuant to subsection 605.9.1, to determine the total amount available for the program.

4.7. Allotment of Program Funds To Institutions.

4.7.1. The chief executive officer or chief student services officer of an eligible institution wishing to participate in UCOPE is required to submit to the program administrator a letter of intent to participate by the 15th of May preceding the beginning of the fiscal year (July 1 through June 30), and to include in the letter of intent a certification, subject to audit, of: (a) the total dollar amount of Federal Pell Grant funds awarded in the most recent completed award year to all students at the institution; and (b) the total dollar amount of Pell Grant funds awarded specifically to students at the institution who were resident students of the state of Utah under UCA 53B-8-102 and Board Policy R512.

4.7.2. Failure to submit its letter of intent with the required Pell Grant information by the specified date constitutes an

automatic decision by an eligible institution not to participate in the program for the specific fiscal year.

4.7.3. An eligible institution which submits a qualifying letter of intent by the specified date for a specific fiscal year is a participating institution for that fiscal year.

4.7.4. Allotment of program funds to participating institutions is in the same proportion as the amount of Federal Pell Grant funds received by each participating institution for resident undergraduate students bears to the total of such funds received for such students in the most recently completed award year by all participating institutions.

4.7.5. The program administrator sends official notification of its allotment, together with a program participation agreement, and blank copies of the format for institutional UCOPE reports to be submitted within 30 days of the end of the applicable fiscal year, to the chief executive officer of each participating institution, by the 20th of May preceding the fiscal year.

4.8. Annual Institutional Participation Agreements - To receive UCOPE funds for an award year, a participating institution is required to submit a participation agreement, signed by the chief executive officer, accepting the funds and agreeing to the following terms and conditions:

4.8.1. Use of Program Funds Received by the Institution

4.8.1.1. The institution may at its discretion place up to, but in no case more than, 3.0% of the total amount of program funds allotted to it for the award year in a budget for student financial aid administrative expenses of the institution, and will expend all funds so budgeted before the end of the state fiscal year for which allotted.

4.8.1.2(a). For the 1996-97 award year and award years after 1999-2000, if the institution's allotment for the fiscal year is \$100,000 or more, the institution will place at least 30% of the total amount of program funds allotted to it for the award year in a budget to be used only for payment of work-study stipends to eligible students, for employment during the award year either in jobs provided under Federal Work-Study Program (FWSP) regulations or in jobs provided in accordance with UCOPE Work-Study Program (UWSP) policies (Section 4.9 herein). For award years ~~after~~ 1996-97 through 1999-2000, if the institution's allotment for the fiscal year is \$50,000 or more, the institution will place at least 50% of the total amount of program funds allotted to it in a budget to be used only for payment of work-study stipends to eligible students, for employment during the award year either in jobs provided under FWSP regulations or in jobs provided in accordance with Section 605.12.

4.8.1.2(b). For any award year, the institution may, at its option use all of its allotted UCOPE funds for FWSP or UCOPE work study awards.

4.8.2.1(c). Work-study payments from the institution's UCOPE work-study budget, for jobs under either FWSP regulations or UWSP policies, will be counted as UCOPE awards for purposes of subsection 4.8.2.3.

4.8.1.3. All work- study jobs provided using UCOPE funds from the budget pursuant to this subsection, including those established under FWSP regulations, will be identified to the recipient as UCOPE work-study awards. No portion of the institution's UCOPE allotment may be used as institutional match for Federal Work-Study Program allocations.

4.8.1.4. The institution will place the total remainder of program funds allotted to it for the award year, after amounts

budgeted pursuant to subsections 11.1.1 and 11.1.2, in a budget to be used only for payment of UCOPE grants to eligible students during and for periods of enrollment within the award year. Grants awarded from this budget will be identified to the recipient as Utah Centennial Opportunity Program Grants.

4.8.2. Determination of Awards to Eligible Students

4.8.2.1. Student Cost of Attendance budgets will be established by the institution, in accordance with Federal regulations applicable to student financial aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the Federal regulations, and providing for the total of costs payable to the institution plus other direct educational expenses, transportation and living expenses.

4.8.2.2. UCOPE work-study or grant amounts will be awarded based on financial aid information and cost of attendance budgets at the time the awards are determined, with first priority given to eligible students who qualify for Federal Pell Grant assistance.

4.8.2.3. The total amount of any UCOPE grant ~~[and/or work-study awards]~~ award to an eligible student in an award year will not exceed \$5,000, ~~[of which no more than \$2,500 may be a grant.]~~ and the minimum UCOPE grant and/or work-study award to an eligible student will be \$300, except that:

4.8.2.3(a). the minimum amount may be the amount of funds remaining in the institution's allotment for the award year in the case of the last eligible student receiving a UCOPE grant award for the year; and

4.8.2.3(b). An eligible student whose period of enrollment is less than the normally-expected period of enrollment within the award year (such as two semesters, three quarters, nine months, or 900 clock hours) will be awarded a minimum or maximum grant amount in proportion to the portion of the normally-expected period of enrollment represented by the quarter(s), semester(s) or other defined term for which the student is enrolled.

4.8.2.4. UCOPE Grants and work-study stipends will be awarded and packaged on an annual award year basis. Grants will be paid one quarter or semester at a time (or in thirds, if applicable to some other enrollment basis such as total months or total clock hours), contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules. Work-study wages will be paid regularly as earned, provided the student is continuing to make satisfactory progress.

4.8.2.5. All awards under the program will be made without regard to an applicant's race, creed, color, religion, ancestry, or age.

4.8.2.6. Students receiving financial aid under the program will be required to agree in writing to use the funds received for expenses covered in the student's cost of attendance budget.

4.8.2.6(a). The student's signature on the Free Application for Federal Student Aid satisfies this requirement.

4.8.2.6(b). If the institution determines, after opportunity for a hearing on appeal according to established institutional procedures, that a student used UCOPE grant or work-study funds for other purposes, the institution will disqualify the student from UCOPE eligibility beginning with the quarter, semester, or other defined enrollment period after the one in which the determination is made.

4.8.2.7. In no case will the institution initially award program grants or work-study stipends or both in amounts which, with Federal Stafford, Ford, and/or Perkins Loans and other financial aid from any source, both need and merit-based, and with expected

family contributions, exceed the cost of attendance for the student at the institution for the award year.

4.8.2.8. If, after the student's aid has been packaged and awarded, the student later receives other financial assistance (for example, merit or program-based scholarship aid) or the student's cost of attendance budget changes, resulting in a later overaward of more than [~~\$400~~]\$500, the institution will appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance.

4.8.3. Unit-Record Information - The institution agrees to cooperate with the program administrator and the Commissioner of Higher Education in development of a unit-record data base on student financial aid and related demographic information, to be used for: (a) research into the effects of student financial aid on students' access to and participation in postsecondary education and training; and (b) planning and modifying the design of the program.

4.8.4. Notification and Reports - The institution will inform the program administrator immediately if it determines it will not be able to utilize all program funds allotted to it for an award year, and will submit an annual report within 30 days after completion of the award year, providing information on individual awards and such other program-relevant information as the board may reasonably require.

4.8.5. Records Retention and Cooperation in Program Reviews - The institution will cooperate with the program administrator in providing records and information requested for any scheduled audits or program reviews, and will maintain records substantiating its compliance with all terms of the participation agreement for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

4.8.6. Dissemination of Employment Opportunity Information - The institution will cooperate with the program administrator in disseminating to its students periodic information provided by the board, regarding employment opportunities determined from marketplace surveys.

4.9. UCOPE Work-Study Program Guidelines - If an institution elects to utilize its UCOPE Work-Study funds for the Utah Work-Study Program (UWSP) instead of in accordance with Federal Work-Study (FWSP) regulations, the following guidelines apply.

4.9.1. The institution may establish designated UWSP institutional jobs on campus or in other institutional operating sites, and administer such jobs in accordance with the following conditions.

4.9.1.1. The job must be supplemental to, and not displace, any regularly-established job held by a greater-than-half-time institutional employee in the three months immediately prior to establishment of the UWSP institutional job.

4.9.1.2. The hourly wage for the UWSP institutional job must be no less than the current Federal minimum wage, and no more than the hourly wage paid to regular employees of the institution in equivalent positions in the institution's personnel system, [~~a benchmark position hourly wage~~]; unless the [~~benchmark position~~] hourly wage of equivalent positions is less than the current Federal minimum wage. [~~The benchmark position hourly wage is the~~

~~starting hourly wage for the most nearly-equivalent entry-level position in the institution's personnel system.~~]

4.9.1.3. The institution may pay up to one hundred percent of the hourly wage for the institutional job from its UCOPE work-study budget established pursuant to subsection 4.9.1, provided the total wages paid to a student for the job from UCOPE and any other institutional funds do not exceed the amount of the award to the student for the award year.

4.9.2. The institution may establish designated UWSP school assistant jobs for volunteer tutors, mentors, or teacher assistants, to work with educationally disadvantaged and high risk school pupils, by contract with individual schools or school districts, and administer such jobs in accordance with the following conditions.

4.9.2.1. The hourly wage for the UWSP school assistant job must be no less than the current Federal minimum wage, and no more than the hourly wage paid to regular employees of the school or school district in equivalent positions in its personnel system, [~~a benchmark position hourly wage~~]; unless the [~~benchmark position~~] hourly wage of equivalent positions is less than the current Federal minimum wage. [~~The benchmark position hourly wage is the starting hourly wage for the most nearly-equivalent entry-level position in the school or school district's personnel system.~~]

4.9.2.2. The institution may pay up to one hundred percent of the hourly wage for the job from its UCOPE work-study budget established pursuant to subsection 4.9.2, provided the total wages paid to a student for the job from any source do not exceed the amount of the award to the student for the award year.

4.9.3. The institution may establish designated UWSP community service jobs with volunteer community service organizations certified by the program administrator on advice of the Utah Commission on Volunteers, and administer such jobs in accordance with the following conditions.

4.9.3.1. The hourly wage for the UWSP community service job must be no less than the current Federal minimum wage, and no more than the hourly wage paid to regular employees of the organization in equivalent positions in its personnel system, [~~a benchmark position hourly wage~~]; unless the [~~benchmark position~~] hourly wage of equivalent positions is less than the current Federal minimum wage. [~~The benchmark position hourly wage is the starting hourly wage for the most nearly-equivalent entry-level position in the community service organization's personnel system or, if the organization does not have an equivalent paid position, the institution's personnel system.~~]

4.9.3.2. The institution may pay up to one hundred percent of the hourly wage for the job from its UCOPE work-study budget established pursuant to subsection 4.9.3, provided the total wages paid to a student for the position from any source do not exceed the amount of the award to the student for the award year.

4.9.4. The institution may establish designated UWSP matching jobs by contract with government agencies, private businesses, or non-profit corporations, and administer such jobs in accordance with the following conditions.

4.9.4.1. The matching job may not involve any religious or partisan political activities, or be with an organization whose primary purpose is religious or political.

4.9.4.2. The matching job must be supplemental to, and not displace, any regularly-established job held by a greater-than-half-time employee in the government agency, private business, or non-



profit corporation in the three months immediately prior to establishment of the UWSP matching job.

4.9.4.3. The hourly wage for the UWSP matching job must be no less than the current Federal minimum wage, and no more than the hourly wage paid to regular employees of the organization in equivalent positions in its personnel system, [a benchmark position hourly wage,] unless the [benchmark position] hourly wage of equivalent positions is less than the current Federal minimum wage. [The benchmark position hourly wage is the starting hourly wage for the most nearly equivalent entry-level position in the organization's personnel system.]

4.9.4.4. The institution may pay up to fifty percent of the hourly wage for the job from its UCOPE work-study budget established pursuant to subsection 4.9.4, provided the total wages (including the employer-paid portion) paid to the student do not exceed the amount of the award to the student for the award year.

4.9.5. Institutions are strongly encouraged to place students, when possible, in UWSP jobs which have a relationship to the student's field of study or training.

4.9.6. If an institution employs students in work-study jobs or other institutional jobs cumulatively over time to a point at which the institution is required to pay employee benefits other than the direct job wages for a UCOPE-funded work-study job, the institution is required to pay the costs of any such required employee benefits from institutional funds other than UCOPE-allotted funds.

**KEY: financial aid, higher education**  
**[1998]2000**

**53B-8-102**  
**53B-13a**



**Regents (Board of), Administration**  
**R765-685**  
**Utah Educational Savings Plan Trust**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 22793  
FILED: 04/20/2000, 08:03  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To make amendments necessary by passage of H.B. 225 in the 2000 legislative session.

(DAR Note: H.B. 225 is found at 2000 Utah Laws 144, and was effective May 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: Allows participants to open accounts for beneficiaries of any age, but the accounts must be established before the beneficiary's nineteenth birthday to receive Utah income tax benefits.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53B, Chapter 8a

**ANTICIPATED COST OR SAVINGS TO:**

❖THE STATE BUDGET: Loss in annual revenue of less than \$3,000 (per H.B. 225 fiscal note).

❖LOCAL GOVERNMENTS: None--these are amendments to an existing program which have no new fiscal impact.

❖OTHER PERSONS: None--these are amendments to an existing program which have no new fiscal impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--because these are amendments to an existing program which have no new fiscal impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments merely remove the limitation on the age of a beneficiary and therefore should have no fiscal impact on businesses.

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

Regents (Board of)  
Administration  
3 Triad Center, Suite 550  
355 West North Temple  
Salt Lake City, UT 84180-1205, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Dale Hatch at the above address, by phone at (801) 321-7251, by FAX at (801) 321-7299, or by Internet E-mail at dhatch@utahsbr.edu.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Dale Hatch, Deputy Executive Director for UHEAA, and Deputy Administrator, Utah Educational Savings Plan Trust

**R765. Regents (Board of), Administration.**  
**R765-685. Utah Educational Savings Plan Trust.**  
**R765-685-5. Beneficiary Eligibility.**

Purpose - Section 53B-8a-106 provides that a beneficiary of a participation agreement [may] must be designated from date of birth through age [16] 18 for the participant to receive Utah income tax benefits. This rule establishes the eligibility criteria for a beneficiary.

5.1. Beneficiary Eligibility - A beneficiary may be a resident of any state and may be any age. However, for a participant to subtract allowable investments from federal taxable income on a Utah income tax return, [who,] on the day the participation agreement is executed, the beneficiary must be [is] younger than [17] 19 years of age.

5.2. Proof of Age - A participant shall, on signing a participation agreement, provide the program administrator with proof of the beneficiary's age, in the form of a birth certificate or such other form as the program administrator may require.

5.3. Valid Social Security Number - A participant shall, on signing a participation agreement, provide the program administrator a valid social security number of the beneficiary.

**R765-685-10. Payment of Benefits.**

Purpose - Section 53B-8a-106 provides that payment of benefits provided under participation agreements must begin not later than the first full academic quarter or semester at an institution of higher education following the beneficiary's 22nd birthday or high school graduation, whichever is later, unless the participant notifies the program administrator to the contrary. This rule establishes the procedures for the payment of benefits.

10.1. Distribution of Benefits - For payment of benefits from the trust to begin, the participant shall submit a notice to use trust benefits.

10.2. Delay of Distribution - For payment of benefits to be delayed beyond four months after the beneficiary's 22nd birthday, the participant must submit a notice to delay trust benefits unless the beneficiary was over the age of 18 when the account was established. If no such notice is submitted, the program administrator shall refund money held by the trust on behalf of the participant according to section 8 of this rule.

10.3. Limit on Delay of Distribution - Participants may delay the distribution of trust benefits until the beneficiary's 27th birthday or for ten years from the date the account was established if the beneficiary was over the age of 18 at the date of establishment. If the participant does not submit a notice to use trust benefits on or before beneficiary's 27th birthday or ten years from the date of account establishment, the program administrator shall refund money held by the trust on behalf of the participant according to section 8 of this rule.

10.3.1. ~~[Upon appeal from a participant, t]~~The program administrator may waive the age or time limit identified in subsection 10.3 of this rule if, in the judgement of the program administrator, the probability that the beneficiary will attend a higher education institution in the near future is significant. ~~[Under no circumstances will the payment of benefits be delayed beyond a beneficiary's 35th birthday.]~~

10.4. Payout Schedule - Upon submission of a notice to use trust benefits, the participant shall specify the level of benefits to be paid. The participant may elect distribution of an allotment of the account balance, calculated by dividing the account balance by the number of academic periods in the beneficiary's program of study, or a higher amount, which shall not exceed the beneficiary's higher education costs for each academic period. The participant may adjust the level of benefits paid in any academic period by notifying the program administrator in writing.

10.5. Duration of Payout - Distribution of benefits shall begin after receipt by the program administrator of notice to use trust benefits and shall continue throughout the beneficiary's period of enrollment at an institution of higher education or until the account balance has been exhausted, whichever occurs first.

10.6. Interruption in Attendance - If following the submission of a notice to use trust benefits, the beneficiary interrupts his or her attendance at an institution of higher education, the participant shall submit a notice to delay trust benefits specifying the period for which trust benefits shall be delayed.

10.7. Unused Benefits - If the beneficiary graduates from an institution of higher education, and a balance remains in the beneficiary's account, the program administrator shall refund the balance of the payments and the earnings from the investments in the program fund remaining in the account to the participant. The program administrator shall make the payment from the program fund within sixty days from the date of the beneficiary's graduation. The refund shall be made unless the beneficiary plans to continue at a higher education institution and the participant submits a completed notice to delay benefits or notice to use trust benefits.

10.8. Refunds Reported - Funds that are refunded to a participant pursuant to this section shall be reported to the appropriate taxing authorities for the tax year in which such refund is made.

**KEY: higher education, educational savings trust**  
**[September 21, 1999]2000**

**53B-8a**

◆ ————— ◆  
**Tax Commission, Administration**

**R861-1A-36**

**Signatures on Tax Return Information  
Pursuant to Utah Code Ann. Sections  
59-10-512 and 59-12-107**

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 22802  
FILED: 04/28/2000, 10:41  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 41-1a-209 requires an application for registration to be signed by the applicant.

SUMMARY OF THE RULE OR CHANGE: Amendment indicates that the use of the Tax Commission assigned PIN (personal identification number) for vehicle registration renewals over the Internet constitutes a signature for that transaction.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-1a-209, 59-10-512, and 59-12-107

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--Internet renewals are voluntary. The PIN will be provided with the registration renewal packet.
  - ❖LOCAL GOVERNMENTS: None--Internet renewals are voluntary. The PIN will be provided with the registration renewal packet.
  - ❖OTHER PERSONS: None--Internet renewals are voluntary. The PIN will be provided with the registration renewal packet.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None--may save time for individuals who choose to renew their vehicle registration over the Internet.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The PIN numbers will allow people to register their vehicles on the Internet, but will not have a fiscal impact on them.

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

Tax Commission Administration Tax Commission Building 210 North 1950 West Salt Lake City, UT 84134, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R861. Tax Commission, Administration.**

**R861-1A. Administrative Procedures.**

**R861-1A-36. Signatures [~~on Tax Return Information~~Defined Pursuant to Utah Code Ann. Sections 41-1a-209, 59-10-512, and 59-12-107.**

A. "Telefile" means the filing of tax returns and tax payment information by telephone.

B. Taxpayers who file tax return information, other than electronic funds transfers, through the Tax Commission's telefile system shall use the Tax Commission assigned personal identification number as their signature for all tax return information filed through that system.

C. Individuals who submit an application to renew their vehicle registration on the Internet web site authorized by the Tax Commission shall use the Tax Commission assigned personal identification number included with their registration renewal information as their signature for the renewal application submitted over the Internet.

**KEY: taxation**

~~[October 14, 1998]~~2000

Notice of Continuation May 20, 1997

41-1a-209

59-10-512

59-12-107



**Tax Commission, Auditing  
R865-12L-16**

**Notification to Tax Commission Upon County, City, or Town Imposition of Certain Taxes Pursuant to Utah Code Ann. Sections 59-12-118, 59-12-302, 59-12-501, 59-12-502, 59-12-603, 59-12-703, 59-12-802, and 59-12-804**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22803

FILED: 04/28/2000, 10:41

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 209 requires taxing entities to provide 75-day notice of adoption, repeal, or change of a tax rate. Accordingly, rule language requiring 30-day notice is repealed. Statute is silent on the notice period for a change in the responsibility for collecting the transient room tax.

SUMMARY OF THE RULE OR CHANGE: Amendment deletes language that is inconsistent with statute as a result of passage of S.B. 209; clarifies that a county or municipality election to change the entity that collects transient room taxes must provide the Tax Commission 75 days notice of the change.

(DAR Note: S.B. 209 is found at 2000 Utah Laws 319, and was effective May 1, 2000.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-12-302 and 59-12-354

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the rule relates only to county or municipality imposed sales taxes.

❖LOCAL GOVERNMENTS: None--the 75-day notice required for the imposition, repeal, or change of tax rates should have been considered as part of the fiscal note for the S.B. 209. The increase in the notice required for changing the entity that collects the transient room taxes from 30 days to 75 days will not have any impact on taxes.

❖OTHER PERSONS: None--the 75-day notice required for the imposition, repeal, or change of tax rates should have been considered as part of the fiscal note for the S.B. 209. The increase in the notice required for changing the entity that collects the transient room taxes from 30 days to 75 days will not have any impact on taxes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the county and municipal government must now provide 75 days notice, instead of 30 days, to make any changes to their sales tax rates or to the entity that must collect the transient room tax. The increased notice period will allow the Tax Commission to provide vendors more notice of these sales tax changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: S.B. 209 and this amendment give the vendors more time to program computers and cash registers when changes in rates occur.

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

Tax Commission  
Auditing  
Tax Commission Building  
210 North 1950 West  
Salt Lake City, UT 84134, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

#### **R865. Tax Commission, Auditing.**

#### **R865-12L. Local Sales and Use Tax.**

**R865-12L-16. Notification to Tax Commission Upon [County, City, or Town Imposition of Certain Taxes]Change in the Election to Collect County or Municipality Imposed Transient Room Taxes Pursuant to Utah Code Ann. Sections [59-12-118, 59-12-302, 59-12-501, 59-12- 502, 59-12-603, 59-12-703, 59-12-802, and 59-12-804]59-12-302 and 59-12-354.**

[A. Transient room tax collection provisions:

1. Any county governing board presently contracting with the Tax Commission to collect the transient room tax, shall provide written notice to the Tax Commission of its decision to cancel that contract at least 30 days prior to the commencement of the next tax accrual period:

a) It is the responsibility of county governing boards to assure that transient room taxes are properly collected, accounted for, and reported to the Tax Commission in accordance with Section 59-12-207.]A. If a county or municipality that has imposed a transient room tax elects to change the responsibility for collecting the transient room tax from the local government entity to the Tax Commission, or from the Tax Commission to the local government entity, the change in the collection shall take place:

1. on the first day of a calendar quarter; and

2. after a 75-day period beginning on the date the Tax Commission receives notice from the local government entity.

[2. Any county governing board desiring to contract with the Tax Commission to collect the transient room tax, after having canceled such contract, shall notify the Tax Commission, in writing, of its decision to contract, at least 30 days prior to the effective date of the contract:

3. For purposes of A.2., the county governing body shall adopt an effective date of the first day of July, October, January, or April:

B. Public transit district tax provisions:

1. Any county, city, or town imposing a sales and use tax pursuant to Sections 59-12-501 or 59-12-502, shall provide for an effective date of the first day of July, October, January, or April following the effective date of the approval of the proposal by the voters within the county, city, or town:

2. Any county, city, or town imposing the sales and use tax described in B.1., or amendments thereto, shall notify the Tax Commission, in writing, at least 30 days prior to the effective date of the proposal or amendments:

C. Tourism, recreation, and convention tax provisions:

1. Any county legislative body adopting an ordinance to impose a tourism, recreation, and convention tax, as provided in Section 59-12-603, shall adopt an effective date of the first day of July, October, January, or April following adoption of the respective ordinance:

2. Any county legislative body adopting an ordinance described in C.1., or amendments thereto, shall notify the Tax Commission, in writing, at least 30 days prior to the effective date of the ordinance or amendment:

D. Funding for recreational facilities and botanical, cultural, and zoological organizations:

1. Any county legislative body adopting an ordinance to impose a local sales and use tax to fund recreational facilities and botanical, cultural, and zoological organizations in that county pursuant to Section 59-12-703, shall adopt an effective date of the first day of July, October, January, or April following adoption of the ordinance:

2. Any county legislative body adopting an ordinance described in D.1., or amendments thereto, shall notify the Tax Commission, in writing, at least 30 days prior to the effective date of the ordinance or amendment:

E. Funding for rural county hospitals:

1. Any county legislative body adopting an ordinance to impose a local sales and use tax to fund rural county hospitals in that county pursuant to Section 59-12-802, shall adopt an effective date of the first day of July, October, January, or April following adoption of the ordinance:

2. Any county legislative body adopting an ordinance described in E.1., or amendments thereto, shall notify the Tax Commission, in writing, at least 30 days prior to the effective date of the ordinance or amendment:

F. Funding for rural city hospitals:

1. Any city legislative body adopting an ordinance to impose a local sales and use tax to fund a rural city hospital in that city pursuant to Section 59-12-804, shall adopt an effective date of the first date of July, October, January, or April following adoption of the ordinance:

2. Any city legislative body adopting an ordinance described in F.1., or amendments thereto, shall notify the Tax Commission, in writing, at least 30 days prior to the effective date of the ordinance or amendment.]

[G.]B. [All notices referred to herein]Notices required under A. should be directed to the Revenue and Distribution Director, Administration Division, Utah State Tax Commission, 210 North 1950 West, Salt Lake City, Utah 84134.

KEY: taxation, sales tax, restaurants, collections\*  
[July 3, 1997]2000  
Notice of Continuation May 22, 1997

59-12-302  
59-12-354



Tax Commission, Motor Vehicle  
**R873-22M-38**  
Procedure for Reinstatement of  
Registration Revoked for Lack of  
Owner's or Operator's Security  
Pursuant to Utah Code Ann. Section  
41-1a-1220

NOTICE OF PROPOSED RULE  
(Amendment)  
DAR FILE No.: 22804  
FILED: 04/28/2000, 10:41  
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 41-1a-109 was amended in S.B. 40 to state the proof necessary to register a vehicle for which registration was revoked due to lack of insurance. The language of this rule has been superseded by the statutory amendment. (DAR Note: S.B. 40 is found at 2000 Utah Laws 345, and will be effective July 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: Section is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-1a-1220

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: No impact--any impacts should have been taken into account in the fiscal note prepared for S.B. 40.
- ❖LOCAL GOVERNMENTS: No impact--any impacts should have been taken into account in the fiscal note prepared for S.B. 40.
- ❖OTHER PERSONS: No impact--any impacts should have been taken into account in the fiscal note prepared for S.B. 40.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--language requiring a stricter standard on proof for reinstating registration revoked for lack of insurance has been replaced by statutory language providing a broader standard of proof.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--the rule is being repealed because it conflicts with current statute changes.

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

Tax Commission  
Motor Vehicle  
Tax Commission Building  
210 North 1950 West  
Salt Lake City, UT 84134, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R873. Tax Commission, Motor Vehicle.**  
**R873-22M. Motor Vehicle.**  
~~**[R873-22M-38. Procedure for Reinstatement of Registration Revoked for Lack of Owner's or Operator's Security Pursuant to Utah Code Ann. Section 41-1a-1220.**~~

~~—A. An application for reinstatement or renewal of registration of a motor vehicle after a revocation of the vehicle's registration under Section 41-1a-110(1)(f) shall be accompanied by form SR-22, issued by the applicant's insurer, and described in Section 41-12a-402.]~~

KEY: taxation, motor vehicles, aircraft, license plates  
[June 21, 1999]2000  
Notice of Continuation May 8, 1997 41-1a-1220



Tax Commission, Property Tax  
**R884-24P-57**  
Judgement Levies Pursuant to Utah  
Code Ann. Sections 59-2-918.5, 59-2-  
924, 59-2-1328, and 59-2-1330

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22805

FILED: 04/28/2000, 10:41

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-924 deletes the requirement that a judgement be unpaid in order to impose a judgement levy. Section 59-2-102 defines an eligible judgement. This supersedes language that is in rule.

SUMMARY OF THE RULE OR CHANGE: Amendment deletes language that was incorporated into statute by S.B. 84; deletes language referring to a judgement being "unpaid" as S.B. 84 deleted all references to a judgement being unpaid. (DAR Note: S.B. 84 is found at 2000 Utah Laws 61, and was effective May 1, 2000.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-98.5, 59-2-924, 59-2-1328, and 59-2-1330

## ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--any impacts should have been taken into account in the preparation of the fiscal note for S.B. 84.

❖LOCAL GOVERNMENTS: None--any impacts should have been taken into account in the preparation of the fiscal note for S.B. 84.

❖OTHER PERSONS: None--any impacts should have been taken into account in the preparation of the fiscal note for S.B. 84.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--repeal of the provision requiring that a judgement must be unpaid in order to impose a judgement levy will allow a taxing entity to refund money pursuant to a judgement at an earlier time, thus avoiding additional interest charges. Taxpayers that have been awarded a judgement will receive that judgement faster.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Taxpayers will be able to get property tax refunds from decisions more timely as a result of S.B. 84 and this amendment.

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

Tax Commission  
Property Tax  
Tax Commission Building  
210 North 1950 West  
Salt Lake City, UT 84134, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 6/15/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R884. Tax Commission, Property Tax.****R884-24P. Property Tax.****R884-24P-57. Judgment Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330.**

## A. Definitions.

1. "Issued" means the date on which the judgment is signed.

2. "One percent of the total ad valorem property taxes collected by the taxing entity in the previous fiscal year" includes any revenues collected by a judgment levy imposed in the prior year.

~~3. "Unpaid judgment" means the taxpayer awarded the judgment has not received payment of the judgment amount:~~

~~— B. For purposes of Section 59-2-924(2)(a)(v), a judgment must be unpaid when the taxing entity holds its final meeting for setting property tax rates.~~

~~— C. To determine whether a judgment is less than the smaller of \$1,000 or one percent of the total ad valorem property taxes collected by the taxing entity in the previous fiscal year, a taxing entity:~~

~~— 1. shall measure its pro rata share of the judgment, including interest, against the measure set forth in C.; and~~

~~— 2. may not aggregate judgments prior to applying the test set forth in C.]B. A taxing entity's share of a judgment or order shall include the taxing entity's share of any interest that must be paid with the judgment or order.~~

~~[D:]C.~~ The judgment levy public hearing required by Section 59-2-918.5 shall be held as follows:

1. For taxing entities operating under a July 1 through June 30 fiscal year, the public hearing shall be held at least 10 days after the Notice of Property Valuation and Tax Changes is mailed.

2. For taxing entities operating under a January 1 through December 31 fiscal year:

a) for judgments issued from the prior June 1 through December 15, the public hearing shall be held at the same time as the hearing at which the annual budget is adopted;

b) for judgments issued from the prior December 16 through May 31, the public hearing shall be held at least 10 days after the Notice of Property Valuation and Tax Changes is mailed.

3. If the taxing entity is required to hold a hearing under Section 59-2-919, the judgment levy hearing required by ~~[D:]C.1.~~ and ~~[D:2.b)]C.2.b)~~ shall be held at the same time as the hearing required under Section 59-2-919.

~~[E:]D.~~ If the Section 59-2-918.5 advertisement is combined with the Section 59-2-918 or 59-2-919 advertisement, the combined advertisement shall aggregate the general tax increase and judgment levy information.

~~[F:]E.~~ In the case of taxing entities operating under a January 1 through December 31 fiscal year, the advertisement for judgments issued from the previous December 16 through May 31 shall include any judgments issued from the previous June 1 through

December 15 that the taxing entity advertised and budgeted for at its December budget hearing.

[G.]E. All taxing entities imposing a judgment levy shall file with the Tax Commission a signed statement certifying that all judgments for which the judgment levy is imposed have met the statutory requirements for imposition of a judgment levy.

1. The signed statement shall contain the following information for each judgment included in the judgment levy:

- a) the name of the taxpayer awarded the judgment;
- b) the appeal number of the judgment; and
- c) the taxing entity's pro rata share of the judgment.

2. Along with the signed statement, the taxing entity must provide the Tax Commission the following:

- a) a copy of all judgment levy newspaper advertisements required;
- b) the dates all required judgment levy advertisements were published in the newspaper;
- c) a copy of the final resolution imposing the judgment levy;
- d) a copy of the Notice of Property Valuation and Tax Changes, if required; and
- e) any other information required by the Tax Commission.

[H.]G. The provisions of House Bill 268, Truth in Taxation - Judgment Levy (1999 General Session), do not apply to judgments issued prior to January 1, 1999.

**KEY: taxation, personal property, property tax, appraisal**  
**[March 28, 2000]2000 Art. XIII, Sec 2**  
**Notice of Continuation May 8, 1997**

**59-2-918 through 59-2-924**  
**59-2-1328**  
**59-2-1330**



## Workforce Services , Workforce Information and Payment Services

# R994-405-503

### Evidence and Burden of Proof

#### NOTICE OF PROPOSED RULE

(Amendment)  
DAR FILE NO.: 22800  
FILED: 04/27/2000, 10:42  
RECEIVED BY: NL

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To eliminate the language in the section that entitles a claimant to a recorded hearing prior to the issuance of a fraud disqualification due to a change in the governing statute (S.B. 83).

(DAR Note: S.B. 83 is found at 2000 Utah Laws 60, and was effective May 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: The existing rule entitles anyone who is accused of Unemployment Insurance (UI)

fraud to a recorded hearing after receiving proper notice of the issues and possible penalties. The language in the notice gives claimants the option of attending an in-person recorded hearing or participating in a recorded telephone hearing. This rule change eliminates the requirement for the department to conduct a recorded fraud hearing as part of the initial determination. In changing the governing statute, the legislature no doubt recognized that once a fraud determination is made at the initial level, the interested parties are afforded appeal rights which provides for a de novo hearing before an administrative law judge (ALJ). The hearing before the ALJ is recorded and designated as a formal proceeding pursuant to the provisions of the Administrative Procedures Act (APA). The tape of the recorded initial fraud hearing is rarely, if ever, used at the appeal level or as part of the criminal prosecution process. The legislature apparently also recognized that the requirement to conduct a recorded hearing at the initial level was, from an administrative perspective, overly burdensome and that necessary due process standards could be satisfied at that level without a recorded hearing. This rule change would, therefore, give the department the latitude to determine whether or not a recorded hearing would be conducted at the initial adjudication level.

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

#### ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: We expect to see a significant increase in the efficient utilization of staff in the Benefit Payment Control (BPC) and initial adjudication units. As a rough estimate, we expect that a hearing officer or an initial claims adjudicator should be able to handle approximately twice the case volume once the requirement for a recorded hearing is eliminated. However, no state monies are used to support the administration of the Unemployment Insurance program in Utah. This funding is derived exclusively from federal unemployment taxes (FUTA) levied against employers. The federal government then utilizes a formula to return a portion of those tax dollars to the states to cover administrative costs. We do not expect to eliminate any positions in conjunction with this law/rule change, but instead intend to use the realized savings to beef up our integrity functions and other areas of critical need.

❖LOCAL GOVERNMENTS: See response given under state government.

❖OTHER PERSONS: For Calendar Year (CY) 1999, over 2,000 fraud proceedings were conducted by the Benefit Payment Control Unit. Of that amount, we estimate that 700 individuals elected to appear, in person, for a recorded hearing. The balance either elected to appear by phone or chose not to participate at all. Employers, on rare occasions, also attend these hearings in person. We estimate that in CY 1999 fewer than 10 employers or its designated representatives, appeared in person for a fraud hearing at the initial determination level. Since there is a cost associated with traveling to the hearing location as well as possibly taking time off work to attend a hearing, the interested parties will realize a savings by not appearing for an in-person, recorded hearing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The intent of this rule change is to reduce compliance costs in conjunction with the initial fraud adjudication process, as explained under "aggregate anticipated cost or savings." As has been previously stated, conducting a recorded hearing in conjunction with the initial adjudication process in fraud cases is a time consuming and, therefore, expensive process. This change will allow the department to increase administrative efficiencies and will not result in any increased compliance costs for any other affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any impact on business would be limited to the very isolated instances as discussed in the response given under "aggregate anticipated cost or savings."

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Workforce Services  
Workforce Information and Payment Services  
Fourth Floor  
140 East 300 South  
PO Box 45277  
Salt Lake City, UT 84145-0277, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Christopher Love at the above address, by phone at (801) 526-9291, by FAX at (801) 526-9394, or by Internet E-mail at wsadmpo.clove@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/15/2000

AUTHORIZED BY: Robert C. Gross, Executive Director

**R994. Workforce Services, Workforce Information and Payment Services.**

**R994-405. Ineligibility for Benefits.**

**R994-405-503. Evidence and Burden of Proof.**

(1) Prior Knowledge of Ineligibility by the Department.

If the Department has sufficient evidence to assess a disqualification prior to paying benefits, a fraud disqualification shall not be assessed even if the documents submitted by the claimant contain false statements or deliberate omissions. However, non-fraud overpayments may be established under the law regarding fault and non-fault overpayments in Subsections 35A-4-406(4)(b) and 35A-4-406(5)(a), respectively.

(2) Initial Burden of Proof.

Fraud may not be presumed whenever false information has been provided or material information omitted and benefits overpaid. The Department has the burden of proof, which is the responsibility to establish all the elements of fraud.

(3) Standard of Proof.

The elements of fraud must be established by a preponderance of the evidence. There does not have to be an admission or direct proof of intent.

~~[(4) Procedure:~~

~~A fraud disqualification will be assessed if a claimant provides a sworn, written admission certifying that material information was knowingly withheld or misrepresented to obtain benefits. In the absence of a sworn, written admission, a claimant is entitled to a recorded hearing after receiving proper notice of the issues, allegations, and possible penalties. If a claimant waives the right to a hearing by advising the Department or failing to attend after receiving the notice, the Department shall issue a decision based on the best and most reliable information available. However, if a claimant does not receive the notice of hearing due to circumstances beyond the claimant's control, until after the hearing date, the right to a hearing is not forfeited. In such situations, unless a claimant waives the right to an initial hearing, the Department shall reopen the record and allow the submission of all evidence at a hearing. If the original determination is upheld, the date of the disqualification period shall go back to the original disqualification date.~~

**KEY: unemployment compensation, employment, employee's rights, employee termination**

~~February 17, 1999]2000~~

35A-4-502(1)(b)

35A-1-104(4)

35A-4-405



**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN 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 CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends June 14, 2000. At its option, the agency may hold public hearings.

From the end of the waiting period through September 12, 2000, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

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

Insurance, Administration
R590-131
Disability Coordination of Benefits Rule

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22640
FILED: 04/26/2000, 11:47
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes noted in the text and under "summary of the rule or change" implement comments received by the department during the comment period and hearing.

SUMMARY OF THE RULE OR CHANGE: The changes are: 1) the term "Noncomplying Plan" has been defined and added to Section R590-131-3 (Definitions); 2) cross references to Subsection R590-131-3(E) have been corrected to Subsection R590-131-3(F) to take into account changes made in the rule previously; 3) Subsection R590-131-5(B) adds to the benefits that a secondary plan would pay, coinsurance, and credits applied to a policy maximum; 4) Subsection R590-131-6(G)(1) clarifies the areas that do not fit within the 120-day payment recovery period; and 5) Subsection R590-131-6(K) has been eliminated at the request of the industry and because currently there is no indication in the marketplace that there is a problem with primary and secondary carriers being able to agree on the order of benefits within 30 days.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the February 15, 2000, issue of the Utah State Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-22-619

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: The changes in this rule will not require insurers to change their rates or policy forms and as a result increase the amount of fees coming into the department; nor will the changes require additional or reduced work on the part of the department.

LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state governmental agency to which all fees are paid by its licensees.

OTHER PERSONS: These changes go further in clarifying the procedures to coordinate benefits between carriers in an effort to avoid confusion and avoid delays in handling claims. These changes will not require carriers to make special filings with the insurance department or mailings to insureds or providers. It will not have a fiscal impact on the insurance industry nor the insurance purchasing public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These changes go further in clarifying the procedures to coordinate benefits between carriers in an effort to avoid confusion and avoid delays in handling claims. These changes will not require carriers to make special filings with the insurance department or mailings to insureds or providers. It will not have a fiscal

impact on the insurance industry nor the insurance purchasing public.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in this rule are for clarification purposes only. They help define the procedures insurance companies must take to coordinate benefits with other insurers. There will be no fiscal impact on the department, local government, insurers, or insurance consumers.

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

Insurance Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 06/16/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 06/17/2000

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-131. Disability Coordination of Benefits Rule.

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R590-131-3. Definitions.

A. Allowable Expense means:

1. The amount on which a plan would base its benefit payment for covered services in the absence of any other coverage.

2. When a plan provides benefits in the form of services, the reasonable cash value of each service will be considered as both an allowable expense and a benefit paid.

3. The difference between the cost of a private hospital room and the cost of a semi-private hospital room is not considered an allowable expense under the above definition unless the patient's stay in a private hospital room is medically necessary in terms of generally accepted medical practice.

4. When COB is restricted in its use to a specific coverage in a contract, for example, major medical or dental, the definition of allowable expense must include the corresponding expenses or services to which COB applies.

B. Claim. A request that benefits of a plan be provided or paid is a claim. The benefits claimed may be in the form of:

- 1. services (including supplies);
2. payment for all or a portion of the expenses incurred;
3. a combination of (1) and (2) above; or
4. an indemnification.

C. Coordination of Benefits or COB is the process of determining which of two or more disability insurance policies, or other policies specifically included in this rule, covering a loss or claim, will have the primary responsibility to pay the loss or claim, and also the manner and extent to which the other policies shall pay or contribute.

D. Custodial Parent means the parent awarded custody of a child by a court decree. In the absence of a court decree, the parent with whom the child resides more than one half of the calendar year without regard to any temporary visitation, is the custodial parent.

E. Hospital Indemnity Benefits. Means benefits not related to expenses incurred. The term does not include reimbursement-type benefits even if they are designed or administered to give the insured the right to elect indemnity-type benefits at the time of claim.

F. Noncomplying Plan means a plan that is not subject to this Rule.

G. Plan. Plan means a form of coverage with which coordination is allowed. The definition of plan in the contract must state the types of coverage which will be considered in applying the COB provision of that contract.

1. Any definition that satisfies this Subsection, R590-131-3.~~[E-]~~G., may be used.

2. This rule uses the term plan. However, a contract may, instead, use "Program" or some other term.

3. Plan shall include:

a. individual, group, or HMO health insurance contracts providing hospital expense or medical surgical expense benefits, except those explicitly excluded under Subsection R590-131-3.~~[E-]~~G.4.;

b. group, group-type, and individual automobile "no-fault" medical payment contracts; and

c. Medicare or other governmental benefits, except as provided in Subsection R590-131-3.~~[E-]~~G.4.f. below. That part of the definition of plan may be limited to the hospital, medical, and surgical benefits of the governmental program.

4. Plan may not include:

a. hospital indemnity coverage;

b. disability income protection coverage;

c. accident only coverage;

d. specified disease or specified accident coverage;

e. nursing home and long-term care coverage;

f. a state plan under Medicaid, and may not include a law or plan when, by state or federal law, its benefits are in excess of those of any private insurance plan or other non-governmental plan; and

g. Medicare supplement policies.

~~[G-]~~H. Primary Plan. A primary plan is a plan whose benefits for a person's health care coverage must be determined first according to R590-131-4 B. There may be more than one primary plan, for example, two plans which have no order of benefit determination rules. A plan is a primary plan if either of the following conditions is true:

1. the plan has no order of benefit determination;

2. all plans which cover the person use the order of benefit determination provisions of this rule and under those requirements the plan determines its benefits first.

~~[H-]~~I. Secondary Plan. A secondary plan is one which is not a primary plan. If a person is covered by more than one secondary plan, the order of benefit determination rules of this rule decides the

order in which their benefits are determined in relation to each other. The benefits of each secondary plan may take into consideration the benefits of the primary plan or plans and the benefits of any other plan, which, under the provisions of this rule, has its benefits determined before those of that secondary plan.

#### **R590-131-4. Rules for Coordination of Benefits.**

A. General Rules:

1. The primary plan must pay or provide its benefits as if the secondary plans or plan did not exist. A plan that does not include a coordination of benefits provision may not take the benefits of another plan into account when it determines its benefits.

2. A secondary plan may take the benefits of another plan into account only when, under these rules, it is secondary to that other plan.

B. Determining Order of Benefits. Each plan determines its order of benefits using the first of the following rules which applies:

1. The benefits of the plan which covers the person as an employee, member or subscriber, that is, other than as a dependent, are determined before those of the plan which covers the person as a dependent.

2. Dependent Child/Parents Not Separated or Divorced. The rules for the order of benefits for a dependent child when the parents are not separated or divorced are as follows.

a. The benefits of the plan of the parent whose birthday falls earlier in the calendar year are determined before those of the plan of the parent whose birthday falls later in the year.

b. If both parents have the same birthday, the benefits of the plan which covered the parent longer are determined before those of the plan which covered the other parent for a shorter period of time.

c. If the other plan, R590-131-3.~~[E-]~~G.3.~~[b-]~~, does not have the rule described in R590-131-4.B.1., .2 and .3, but instead has a rule based upon another order, and if, as a result, the coordinating plans do not agree on the order of benefits, the rule of the noncomplying plan will determine the order of benefits.

The word "birthday" refers only to month and day in a calendar year, not the year in which the person was born.

A contract which includes COB and which is issued or renewed, or which has an anniversary date on or after January 1, 1986 shall include the substance of the provisions in Subsections R590-131-4.B.1., .2, and .3 of this rule.

3. Dependent Child/Separated or Divorced Parents. If two or more plans cover a person as a dependent child of divorced or separated parents, benefits for the child are determined in the following order:

a. first, the plan of the parent with custody of the child;

b. then, the plan of the spouse of the parent with custody of the child; and

c. finally, the plan of the parent not having custody of the child.

i. If the specific terms of a court decree state that one of the parents is responsible for the child's health care expenses or health insurance coverage, and the plan of that parent has actual knowledge of those terms, that plan is primary. If the parent with financial responsibility has no coverage for the child's health care services or expenses, but that parent's spouse does, the spouse's plan is primary. This subparagraph shall not apply with respect to any

claim determination period or plan year during which benefits are paid or provided before the entity has actual knowledge.

ii. If the specific terms of a court decree state that the parents have joint custody, without stating that one of the parents is responsible for the health care expenses or health insurance coverage of the child and the child's residency is split between the parents, the order of benefit determination rules outlined in Subsection R590-131-4 B.2. Dependent Child/Parents Not Separated or Divorced shall apply. This subparagraph shall not apply with respect to any claim determination period or plan year during which benefits are paid or provided before the entity has actual knowledge.

d. If the parents are not married or are separated, whether or not they ever were married, or are divorced, and there is no court decree allocating responsibility for the child's health care services or expenses, the order of benefit determination among the plans of the parents and the parents' spouses, if any, is:

- i the plan of the custodial parent;
- ii the plan of the spouse of the custodial parent;
- iii the plan of the noncustodial parent; and then
- iv the plan of the spouse of the noncustodial parent.

4. Active/Inactive Employee. The benefits of a plan which covers a person as an employee who is neither laid off nor retired, or as that employee's dependent are determined before those of a plan which covers that person as a laid off or retired employee, or as that employee's dependent. If the other plan does not have this rule, and if, as a result, the plans do not agree on the order of benefits, this provision is ignored.

5. Longer/Shorter Length of Coverage. If none of the above rules determines the order of benefits, the benefits of the plan which covered an employee, member or subscriber longer are determined before those of the plan which covered that person for the shorter term.

a. To determine the length of time a person has been covered under a plan, two plans shall be treated as one if the claimant was eligible under the second within 24 hours after the first ended.

b. The start of a new plan does not include:

- i. a change in the amount or scope of a plan's benefits;
- ii. a change in the entity which pays, provides or administers the plan's benefits; or
- iii. a change from one type of plan to another, such as, from a single employer plan to that of a multiple employer plan.

c. The claimant's length of time covered under a plan is measured from the claimant's first date of coverage under that plan. If that date is not readily available, the date the claimant first became a member of the group shall be used as the date from which to determine the length of time the claimant's coverage under the present plan has been in force.

#### **R590-131-5. Procedure to be Followed by Secondary Plan.**

A. When it is determined, pursuant to Section R590-131-4 that the plan is a secondary plan, benefits may be reduced as follows:

1. when one of the plans has contracted for discounted provider fees, the secondary plan may limit payment to any copayments and deductibles owed by the insured after payment by the primary plan; or

2. if none of the plans have contracted for discounted provider fees, the secondary plan may reduce its benefits so that total benefits

paid or provided by all plans for a covered service are not more than the highest allowable expense of any of the plans for that service.

B. The secondary plan must calculate the amount of benefits it would normally pay in the absence of coordination, including the application of credits to any policy maximums, and apply the payable[that] amount to unpaid covered charges owed by the insured member after benefits have been paid by the primary plan. This amount must include deductibles, coinsurance and copays left owing by the insured member. The secondary plan can use its own deductibles, coinsurance and copays to figure the amount it would have paid in the absence of coordination, and a secondary plan is not required to pay a higher amount than what they would have paid in the absence of coordination. A secondary plan shall only apply its own deductibles, coinsurance and copays to the total allowable expenses, not to the amount left owing after payment by any primary plans.

C. Nothing in this rule is intended to require a secondary plan to make payment for any service that is not covered as a benefit by the secondary plan.

#### **R590-131-6. Miscellaneous Provisions.**

A. Reasonable Cash Value of Services. A secondary plan which provides benefits in the form of services may recover the reasonable cash value of providing the services from the primary plan, to the extent that benefits for the services are covered by the primary plan and have not already been paid or provided by the primary plan. Nothing in this provision may be interpreted to require a plan to reimburse a covered person in cash for the value of services provided by a plan which provides benefits in the form of services.

B. Excess and Other Nonconforming Provisions.

1. No policy, or plan as defined by this rule, may contain a provision that its benefits are "excess" or "always secondary" to any other plan or policy. However, a COBRA or state extension of benefits plan which covers a person as a former employee, a dependent of a former employee, or a former dependent of an employee is a secondary plan.

2. A plan with order of benefit determination rules which comply with this rule, which is called a complying plan, may coordinate its benefits with a plan which is "excess" or "always secondary" or which uses order of benefit determination rules which are inconsistent with those contained in this rule, which is called a noncomplying plan, on the following basis:

a. if the complying plan is the primary plan, it shall pay or provide its benefits on a primary basis;

b. if the complying plan is the secondary plan, it shall pay or provide its benefits first, but the amount of the benefits payable shall be determined as if the complying plan were the secondary plan. In such a situation, such payment shall be the limit of the complying plan's liability; and

c. if the noncomplying plan does not provide the information needed by the complying plan to determine its benefits within a reasonable time after it is requested to do so, the complying plan shall assume that the benefits of the noncomplying plan are identical to its own, and shall pay its benefits accordingly. However, the complying plan shall adjust any payments it makes based on such assumption whenever information becomes available as to the actual benefits of the noncomplying plan.

3. If the noncomplying plan reduces its benefits so that the employee, subscriber, or member receives less in benefits than he or she would have received had the complying plan paid or provided its benefits as the secondary plan and the noncomplying plan paid or provided its benefits as the primary plan and governing state law allows the right of subrogation set forth below, then the complying plan shall advance to or on behalf of the employee, subscriber, or member an amount equal to such difference.

In no event may the complying plan advance more than the complying plan would have paid had it been the primary plan, less any amount it previously paid. In consideration of such advance, the complying plan shall be subrogated to all rights of the employee, subscriber, or member against the noncomplying plan.

C. Allowable Expense. A term such as "usual and customary," "usual and prevailing," or "reasonable and customary," may be substituted for the term "necessary, reasonable and customary." Terms such as "medical care" or "dental care" may be substituted for "health care" to describe the coverages to which the COB provisions apply.

D. Subrogation. The COB concept clearly differs from that of subrogation. Provisions for one may be included in health care benefits contracts without compelling the inclusion or exclusion of the other.

E. Right To Receive and Release Needed Information. Certain facts are needed to apply these COB rules. An insurer has the right to decide which facts it needs. It may get needed facts from or give them to any other organization or person. An insurer need not tell, or get the consent of, any person to do this. Each person claiming benefits under a plan shall give the insurer any facts it needs to pay the claim.

F. Facility of Payment. A payment made under another plan may include an amount which should have been paid under the plan. If it does, the insurer may pay that amount to the organization which made that payment. That amount will then be treated as though it were a benefit paid under the plan. The insurer will not have to pay that amount again. The term "payment made" includes providing benefits in the form of services, in which case "payment made" means reasonable cash value of the benefits provided in the form of services.

G. Right of Recovery. If the amount of the payments made by an insurer is more than it should have paid under the provisions of this rule, it may recover the excess from one or more of the following:

1. The insurer may recover from the persons it has paid or for whom it has paid. However, reversals of payments made due to issues related to coordination of benefits are limited to a time period of 120 days from the date a payment is made unless the reversal is due to fraudulent acts, fraudulent statements, or material misrepresentation by ~~an~~the insured. Reversals of payments made to providers of service in instances where the provider is prevented from billing insureds are not subject to this time limit. It is the insurers responsibility to ~~collect the payment from the other carriers and not the providers of service, the insured or both~~see that the proper adjustments between carriers and providers are made. Agreements between carriers or carriers and their contracted providers regarding coordination of benefits adjustments that ~~do not involve an insured,~~would not result in a provider billing an insured, or would not involve an insured other than notification to

an insured regarding the order of coordination of benefits for future benefit payments~~[charges]~~, are not subject to a time limit.

2. The insurer may recover from insurance companies. or

3. The insurer may recover from other organizations.

H. The "amount of the payments made" includes the reasonable cash value of any benefits provided in the form of services.

I. A plan, whether primary or secondary, may not be required to pay a greater total benefit than would have been required had there been no other plan.

J. A plan may include in its contract a provision to the effect that when the covered person is required by Section 41-12a-301 to have insurance in effect, the plan may exclude charges for that covered person up to the minimum coverage required by Sections 31A-22-306 through 309 before calculating benefits payable, whether or not such coverage is in effect.[]

~~K. If the plans cannot agree on the order of benefits within 30 calendar days after the plans have received all of the information needed to pay the claim, the plans shall immediately pay the claim in equal shares and determine their relative liabilities following payment, except that no plan shall be required to pay more than it would have paid had it been primary.]~~

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**KEY: insurance law**

**2000**

**Notice of Continuation December 3, 1997**

**31A-2-201**

**31A-21-307**



**End of the Notices of Changes  
in Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

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An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (1996)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (1996); and *Utah Administrative Code* Section R15-4-8.

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### Human Services, Child and Family Services **R512-1**

#### Description of Division Services, Eligibility, and Service Access

##### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 22814  
FILED: 05/01/2000, 15:22  
RECEIVED BY: NL

##### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Establish division policy consistent with legislative changes (H.B. 103) to Sections 62A-4a-602 and 78-30-9.

SUMMARY OF THE RULE OR CHANGE: Establishes priority for legally married couples for foster care children in the custody of the division and prohibiting foster care by unmarried couples who are cohabiting.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-602 and 78-30-9

##### ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule may result in fewer applications for foster care with the division to process and may result in minor savings. Overall budget impact is neutral.

❖LOCAL GOVERNMENTS: After careful analysis, there is no impact on local governments.

❖OTHER PERSONS: Private agencies are not required by this law to establish priority for legally married couples and may have an increase of adoption applications by single individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule should have no compliance costs for any person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule should have a neutral impact on private businesses.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

The legislature enacted a law that requires the division to implement new adoption standards by May 1, 2000.

(**DAR Note:** H.B. 103 is found at 2000 Utah Laws 208, and was effective May 1, 2000.)

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

Human Services  
Child and Family Services  
Room 225, Human Services Building  
120 North 200 West  
Salt Lake City, UT 84103, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or by Internet E-mail at [hsadmin1.sbradfor@email.state.ut.us](mailto:hsadmin1.sbradfor@email.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 05/01/2000

AUTHORIZED BY: Ken Patterson, Director

**R512. Human Services, Child and Family Services.**  
**R512-1. Description of Division Services, Eligibility, and Service Access.**

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**R512-1-5. Out-of-Home Care Services.**

1. Cohabiting means residing with another person and being involved in a sexual relationship.

2. Involved in a sexual relationship means any sexual activity and conduct between persons.

3. Residing means living in the same household on an uninterrupted or an intermittent basis.

A. Foster Care and Group Care. Child placement services may be provided when parents are unable to meet their children's needs within the family. The Division has authority to place a child when the state has been granted custody through a court order, or when a voluntary agreement has been signed by the parents, or when the child is from another state and is covered by the Interstate Compact for the Placement of Children. The intent of foster or group care is to insure a permanent home for each child. This may be achieved through a return to the home, or through adoption, emancipation, guardianship, or permanent foster care services. A Permanency Plan for each foster child, defining the goal and steps to be taken to achieve permanency, shall be formulated. Periodic reviews shall be held at least once every six months to assess progress achieved within the Permanency Plan, and to project a likely date for returning the youth to the family home or to another permanent home arrangement. A dispositional hearing shall be held every 18 months from date of placement to determine the future status of the child. Foster care shall be provided in licensed family homes. A foster parent or foster parents must complete a declaration of compliance with Utah Code Annotated 78-30-9(3)(a and b) that they are not cohabiting with another person in a sexual relationship. Beginning May 1, 2000, the division gives priority for foster care placements to families in which both a man and a woman are legally married or valid proof that a court or administrative order has established a valid common law marriage. Section 30-1-4.5. Individuals who are not cohabiting may also be a foster parent. The Region Director may waive this priority requirement if it is in the best interest of the child. Group care shall be provided in licensed facilities which offer a more structured treatment environment than a family home. Foster homes are licensed in accordance with R501-12. Residential Treatment Programs, also known as group homes, are licensed in accordance with R501-2 and R501-3-3.

1. Access. Referrals can be made from Protective Services or from Juvenile Court and other agencies. Parents can request placement services by contacting the local DFS Office. Referrals for foster or group care may be screened to determine whether placement is the best option. In most cases, services which are

intended to prevent placement must be first provided, before foster or group care will be considered by the Division.

2. Eligibility. Temporary child custody must be given to the State by court order, or by voluntary agreement, and most parents shall be obligated to pay support while their child is in foster care. Youth can be served in foster or group care until age 18, or until age 21 when ordered by the court.

B. Independent Living. Services may be given to older teenage foster children to teach self-sufficiency skills in order to increase their ability to be self-reliant in the future. Some who do not return to living with their parents upon leaving foster care will be allowed to live on their own. All foster children age 16 and older shall be required to be working toward at least one objective in developing independent living skills in their Permanency Plans.

1. Access. Access shall be given only by a referral from the foster care worker.

2. Eligibility. Foster children who are at least 16 years old and who are in custody of the State shall be eligible.

C. Adoption. This service provides adoptive homes for children in custody of the State who are legally available because the birth parents have been permanently deprived of parental rights by court action, or who have voluntarily relinquished their children for adoption. The choice of an adoptive home is based on the best interests of the child. When the children placed for adoption are hard to place because of their special needs, a subsidy payment can be approved to enable adoptions by a family needing assistance in caring for the child. Independent adoption home studies shall be completed only by direct order of a District Court.

1. Access. Access is available only by a referral from foster care staff. Adults wishing to adopt a child may apply to their local DCFS Office for consideration. Receipt of applications can be suspended by a local office based on the number of approved homes waiting for a placement and the number of children available.

2. Eligibility. To be eligible, the child must be in custody of the State, be legally freed for adoption, and the Division must determine that adoption is the best Permanency option for the child. Persons approved to be adoptive parents must meet certain standards before approval. Application and placement fees may be charged, or may be waived for families adopting a hard- to-place child. Fees, based on a sliding fee schedule, shall be charged for home studies sent to the U.S. Immigration Service and for completed Independent Adoption Home Studies. Authorization of subsidies for hard-to-place children shall be determined by the Division which shall assess the resources of the adoptive family to meet the child's need for maintenance or treatment.

D. Provider Services. Persons applying to be foster or emergency care parents shall be given information and a home study will be completed. For those approved as meeting program standards, basic training will be provided, as well as any additional training which may be required for some types of care. Annual reapproval is required.

1. Access. Persons interested in becoming foster parents or who wish to provide emergency care, such as shelter care, may apply to their local DCFS Office.

2. Eligibility. Any adult may apply for consideration. Persons approved to be providers must meet certain standards of the Division before approval is granted.

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KEY: social services, child welfare, domestic violence, eligibility\*  
May 1, 2000 62A-4a-105  
Notice of Continuation December 15, 1997

The legislature enacted a law that requires the division to implement new adoption standards by May 1, 2000. (DAR Note: H.B. 103 is found at 2000 Utah Laws 208, and was effective May 1, 2000.)



Human Services, Child and Family Services  
**R512-41**  
Qualifying Adoptive Families and Adoption Placement

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Human Services  
Child and Family Services  
Room 225, Human Services Building  
120 North 200 West  
Salt Lake City, UT 84103, or  
at the Division of Administrative Rules.

NOTICE OF 120-DAY (EMERGENCY) RULE  
DAR FILE NO.: 22815  
FILED: 05/01/2000, 15:22  
RECEIVED BY: NL

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or by Internet E-mail at hsadmin1.sbradfor@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

**RULE ANALYSIS**

THIS RULE IS EFFECTIVE ON: 05/01/2000

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Establish division policy consistent with legislative changes (H.B. 103) to Sections 62A-4a-602 and 78-30-9.

AUTHORIZED BY: Ken Patterson, Director

SUMMARY OF THE RULE OR CHANGE: Establishes priority for legally married couples for adopting children in the custody of the division and prohibiting adoption by unmarried couples who are cohabiting.

**R512. Human Services, Child and Family Services.**  
**R512-41. Qualifying Adoptive Families and Adoption Placement.**



STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-602 and 78-30-9

**R512-41-2. Definitions.**

ANTICIPATED COST OR SAVINGS TO:

- A. For the purpose of this rule the following definitions apply:
  1. Adoptive Parent(s) means a family or individual who completes Division training for prospective adoptive parent(s) and is approved by a licensed child placement agency or by the Division.
  2. Cohabiting means residing with another person and being involved in a sexual relationship.
  3. Involved in a sexual relationship means any sexual activity and conduct between persons.
  2. Permanency means the establishment and maintenance of a permanent living situation for a child to give the child an internal sense of family stability and belonging and a sense of self that connects the child to his or her past, present and future.
  5. Residing means living in the same household on an uninterrupted or an intermittent basis.

❖THE STATE BUDGET: This rule may result in fewer applications for adoption for the division to process and may result in minor savings. The cost to process and adoption application is approximately \$400. Overall budget impact is neutral.

❖LOCAL GOVERNMENTS: After careful analysis, there is no impact on local governments.

❖OTHER PERSONS: Private agencies are not required by this law to establish priority for legally married couples and may have an increase of adoption applications by single individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons who go to a private adoption agency, rather than the division, will pay higher fees to adopt. Private agency adoptions cost between \$5,000 and \$10,000. The division covers its own adoption fees.



COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Private adoption agencies will receive additional clients, who otherwise might have used the services of the division to adopt.

**R512-41-4. Adoption Assessment Requirements.**

A. An adoption assessment must be consistent with the standards of the Child Welfare League of America (the assessment may be done by a licensed child placement agency or the Division)and must include the following:

- 1. an autobiography of prospective adoptive parent(s) and family members;

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.



- 2. a behavioral assessment of parent(s) and children living at home;
- 3. a declaration that applicants are not cohabiting in a relationship that is not a legal marriage and in compliance with Section 78-30-9(3)(a and b)[a verification that adults present in the home are legally related to parent(s) by blood or adoption or legal marriage;]
- 4. a health status verification of parent(s) and children living at home;
- 5. a verification of financial status;
- 6. an assessment of home safety and health;
- 7. A criminal background check of all adults present in the home;
- 8. a screening of all adults present in the home against the child abuse data base;
- 9. an assessment of prospective adoptive parent(s) parenting skills;
- 10. recommendation of the types of children that may be appropriate for the prospective adoptive parent(s).

May 1, 2000

62A-4a-105  
62A-4a-205.6



**R512-41-5. Matching the Child and the Adoptive Parent(s).**

A. In the matching process, the selection of adoptive parent(s) will be in the best interest of the child.

B. The decision must be based on a thorough assessment of the child's current and potential development, medical, emotional, and educational needs.

C. The capacity of the prospective adoptive parent(s) to successfully meet the child's needs and to love and accept the child as a fully integrated member of the family must be considered.

D. The child's preference may be considered, if the child has the capacity to express a preference.

E. When possible and appropriate, sibling groups should not be separated.

F. Foster care parent(s)(or other care giver with physical custody) of the child may be given preferential consideration for adoption if the child has substantial emotional ties with the foster parent(s)/care giver and if removal of the child from the foster parent(s)/care giver would be detrimental to the child's well-being.

G. Geographic boundaries alone should not present barriers or delays to the selection of adoptive parent(s).

H. The Indian Welfare Act (Public Law 95-608) takes precedent for an adoption of an Indian child who is a member of a federally recognized tribe or Alaskan native village.

I. Placements will be made in accordance with the Interethnic Adoption Act, 42 USC 1996b.

J. The division observes the following priorities for adoption of children in the division's custody:

1. Beginning May 1, 2000, the division gives priority for adoptive placements to families in which both a man and a woman are legally married under the laws of this state or valid proof that a court or administrative order has established a valid common law marriage as specified in Section 30-1-4.5. Individuals who are not cohabiting may also be considered as an adoptive parent.

2. The Region director may waive the priority requirement if it is in the best interest of the child.

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**KEY: child welfare, adoption**

**End of the 120-Day (Emergency) Rules Section**

## NOTICES OF RULE EFFECTIVE DATES

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

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### Abbreviations

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

### Commerce

Occupational and Professional Licensing  
No. 22677 (AMD): R156-59. Employee Leasing Company Act Rules.  
Published: March 15, 2000  
Effective: April 17, 2000

**DAR correction notice:** In the May 1, 2000, *Bulletin*, an effective notice for a new rule, R309-104, was published. The rule number should have been R309-405. The notice should have been:

### Environmental Quality

Drinking Water  
No. 22605 (NEW): R309-405. Compliance and Enforcement: Administrative Penalty.  
Published: February 1, 2000  
Effective: April 17, 2000

### Health

Health Systems Improvement, Emergency Medical Services  
No. 22534 (AMD): R426-6. Emergency Medical Services Grants Program Rules.  
Published: January 1, 2000  
Effective: April 30, 2000

### Human Service

Administration, Administrative Services, Licensing  
No. 22694 (REP): R501-3. Categorical Standards.  
Published: March 15, 2000  
Effective: May 2, 2000

No. 22695 (NEW): R501-19. Residential Treatment Programs.  
Published: March 15, 2000  
Effective: May 2, 2000

No. 22696 (NEW): R501-20. Day Treatment Programs.  
Published: March 15, 2000  
Effective: May 2, 2000

No. 22697 (NEW): R501-21. Outpatient Treatment Programs.  
Published: March 15, 2000  
Effective: May 2, 2000

No. 22698 (NEW): R501-22. Residential Support Programs.  
Published: March 15, 2000  
Effective: May 2, 2000

### Natural Resources

Wildlife Resources  
No. 22693 (AMD): R657-13-4. Fishing Contests.  
Published: March 15, 2000  
Effective: April 24, 2000

### Workforce Services

Workforce Information and Payment Services  
No. 22614 (AMD): R994-315-105. Waiver of Penalty for Failure to Report.  
Published: February 15, 2000  
Effective: April 21, 2000

**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, 2000, including notices of effective date received through May 1, 2000, the effective dates of which are no later than May 15, 2000. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

## 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	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>AGRICULTURE AND FOOD</b>					
<u>Plant Industry</u>					
R68-2	Utah Commercial Feed Act Governing Feed	R68-2	NSC	05/01/2000	Not Printed
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	22657	5YR	02/10/2000	2000-5/64
R70-310	Grade A Pasteurized Milk	22658	AMD	04/03/2000	2000-5/5
R70-310-2	Adoption of USPHS Ordinance	22707	NSC	05/01/2000	Not Printed
R70-630	Water Vending Machine	22596	5YR	01/11/2000	2000-3/91
R70-630	Water Vending Machine	22597	AMD	03/03/2000	2000-3/5
<b>ALCOHOLIC BEVERAGE CONTROL</b>					
<u>Administration</u>					
R81-1-7	Disciplinary Hearings	22639	AMD	03/27/2000	2000-4/4
R81-1-12	Alcohol Training and Education Seminar	22752	NSC	05/01/2000	Not Printed

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R131-2	Capitol Hill Facility Use	22568	NEW	03/13/2000	2000-2/4
R131-7	State Capitol Preservation Board Master Planning Policy	22574	NEW	03/13/2000	2000-2/7
<b>COMMERCE</b>					
<u>Occupational and Professional Licensing</u>					
R156-1-205	Advisory Peer Committees - Direct to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	22587	AMD	02/15/2000	2000-2/8
R156-1-308a	Renewal Dates	22645	AMD	03/20/2000	2000-4/12
R156-17a	Pharmacy Practice Act Rules	22318	AMD	see CPR	99-17/10
R156-17a	Pharmacy Practice Act Rules	22318	CPR	02/15/2000	2000-2/17
R156-17a-602	Operating Standards - Pharmacy Intern - Scope of Practice	22738	NSC	05/01/2000	Not Printed
R156-24a-503	Physical Therapist Supervisory Authority and Responsibility	22734	NSC	05/01/2000	Not Printed
R156-31b-304	Quality Review Program	22576	AMD	02/15/2000	2000-2/10
R156-31b-304	Quality Review Program	22663	NSC	02/24/2000	Not Printed
R156-31c-201	Issuing a License	22577	AMD	02/15/2000	2000-2/11
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	22725	5YR	04/06/2000	2000-9/183
R156-56	Utah Uniform Building Standard Act Rules	22398	AMD	see CPR	99-20/15
R156-56	Utah Uniform Building Standard Act Rules	22398	CPR	02/15/2000	2000-2/21
R156-56-602	Factory Built Housing Dealer Bonds	22478	AMD	see CPR	99-22/7
R156-56-602	Factory Built Housing Dealer Bonds	22478	CPR	02/15/2000	2000-2/24
R156-56-706	Amendments to the IPC	22449	AMD	see CPR	99-21/7
R156-56-706	Amendments to the IPC	22449	CPR	01/18/2000	99-24/47
R156-57	Respiratory Care Practices Act Rules	22482	AMD	01/04/2000	99-23/13
R156-59	Employee Leasing Company Act Rules	22677	AMD	04/17/2000	2000-6/11
R156-59	Professional Employer Organization Act Rules	22786	NSC	05/01/2000	Not Printed
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R156-61	Psychologist Licensing Act Rules	22588	AMD	02/15/2000	2000-2/12
R156-61-302e	Duties and Responsibilities of a Supervisor of Psychology Training and Mental Health Therapist Training	22735	NSC	05/01/2000	Not Printed
R156-63-302a	Qualifications for Licensure - Application Requirements	22736	NSC	05/01/2000	Not Printed
R156-65	Burglar Alarm Security and Licensing Act Rules	22737	NSC	05/01/2000	Not Printed
R156-66	Utah Professional Boxing Regulation Act Rules	22589	AMD	02/15/2000	2000-2/14
R156-71	Naturopathic Physician Practice Act Rules	22507	AMD	01/04/2000	99-23/14

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R162-10	Administrative Procedures	22624	AMD	03/20/2000	2000-4/14
R162-106	Professional Conduct	22626	AMD	03/20/2000	2000-4/16
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	22642	NEW	03/20/2000	2000-4/18
R164-4	Licensing Requirements	22643	AMD	03/20/2000	2000-4/29
R164-14	Exemptions	22644	AMD	03/20/2000	2000-4/20
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R277-430	Capital Outlay Equalization Qualification	22564	REP	02/01/2000	2000-1/10
R277-462	Comprehensive Guidance Program	22669	AMD	04/03/2000	2000-5/6
R277-472	Reading Performance Improvement Awards Program	22593	NSC	01/25/2000	Not Printed
R277-501	Educator Licensing Renewal	22609	NEW	03/03/2000	2000-3/8
R277-507	Driver Education Endorsement	22528	AMD	02/01/2000	2000-1/11
R277-514	Board Procedures: Sanctions for Misconduct	22670	AMD	04/03/2000	2000-5/8
R277-607	Truancy Prevention	22610	AMD	03/03/2000	2000-3/11
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R307-110-19	Section XI, Other Control Measures for Mobile Sources	22660	NSC	02/25/2000	Not Printed
R307-115	General Conformity	22688	NSC	03/20/2000	Not Printed
R307-121-2	Amount of Credit	22686	NSC	03/20/2000	Not Printed
R307-122-2	Amount of Credit	22687	NSC	03/20/2000	Not Printed
R307-150	Emission Inventories	22605	AMD	04/06/2000	2000-3/21
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R307-403-8	Offsets: Banking of Emission Offset Credit	22607	NSC	01/25/2000	Not Printed
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R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	22602	AMD	03/10/2000	2000-3/77
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R315-2-9	Characteristics of Hazardous Waste	22653	NSC	02/25/2000	Not Printed
R315-2-9	Characteristics of Hazardous Waste	22794	NSC	05/01/2000	Not Printed
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R315-3-20	Hazardous Waste Incinerator Plan Approvals	22654	NSC	02/25/2000	Not Printed
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R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	22541	NSC	01/25/2000	Not Printed
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	22543	NSC	01/25/2000	Not Printed
R315-13	Land Disposal Restrictions	22544	NSC	01/25/2000	Not Printed
R315-16	Standards for Universal Waste Management	22545	NSC	01/25/2000	Not Printed
R315-50	Appendices	22546	NSC	01/25/2000	Not Printed
R315-101	Cleanup Action and Risk-Based Closure Standards	22547	NSC	01/25/2000	Not Printed
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R317-4	Onsite Wastewater Systems	22490	NEW	02/16/2000	99-23/16
R317-4	Onsite Wastewater Systems	22691	NSC	03/20/2000	Not Printed
R317-501	Individual Wastewater Disposal Systems	22491	REP	02/16/2000	99-23/45
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R317-510	Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments	22500	REP	02/16/2000	99-23/77
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R414-61	Home and Community Based Waivers	22513	CPR	03/30/2000	2000-4/69
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<u>Health Systems Improvement, Health Facility Licensure</u>					
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R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	22631	5YR	02/01/2000	2000-4/70
R432-9	Specialty Hospital - Rehabilitation Construction Rule	22632	5YR	02/01/2000	2000-4/71
R432-10	Specialty Hospital - Chronic Disease Construction Rule	22633	5YR	02/01/2000	2000-4/72
R432-11	Orthopedic Hospital Construction	22634	5YR	02/01/2000	2000-4/72
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	22635	5YR	02/01/2000	2000-4/73
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	22636	5YR	02/01/2000	2000-4/73
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R432-30	Adjudicative Procedure	22638	5YR	02/01/2000	2000-4/74
R432-270	Assisted Living Facilities	22655	5YR	02/09/2000	2000-5/64
R432-270	Assisted Living Facilities	22743	NSC	05/01/2000	Not Printed

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**ABBREVIATIONS**

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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	22738	R156-17a-602	NSC	05/01/2000	Not Printed
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	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
<b><u>PHYSICAL THERAPY</u></b>					
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