

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 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 NOTES

LEGISLATION WHICH MAY AFFECT THE RULEMAKING PROCESS

As of February 22, 2001, two bills have been filed that affect administrative rules in general.

H.B. 27 "Electronic Government Services Amendments - Administrative Rules and Procedures" by Rep. R. Siddoway (R)

This bill originated in the Information Technology Commission. It amends both the Utah Administrative Rulemaking Act (Utah Code Title 63, Chapter 46a) and the Utah Administrative Procedures Act (Utah Code Title 63, Chapter 46b). It standardizes language to facilitate the electronic conduct of state business in regards to rulemaking and administrative procedures.

The bill passed the House on January 15, 2001, under suspension of the rules, and passed the Senate on January 26, 2001.

H.B. 37 "Reauthorization of Administrative Rules" by Rep. David Ure (R)

This is the Administrative Rules Review Committee's annual bill which is required by Section 63-46a-11.5. The long title of H.B. 37 indicates that the bill "reauthorizes all state agency administrative rules except those enumerated." As introduced, the bill reauthorized all administrative rules EXCEPT Subsection R156-55b-102(2)--Commerce, Division of Occupational and Professional Licensing (DOPL), "Electricians Licensing Rules," "Definitions," definition of "In or out of the immediate presence of the supervising person". The bill provides for an effective date of May 1, 2001.

The House Government Operations Standing Committee amended the bill to also "not reauthorize" a similar provision in Subsection R156-55c-102(3)--Commerce, DOPL, "Construction Trades Licensing Act Plumber Licensing Rules," "Definitions," definition of "Reasonable direction, oversight, inspection, and evaluation of an apprentice plumber by a supervising journeyman plumber".

The bill passed the House on February 5, 2001, and passed the Senate on February 16, 2001.

Additional Information

Up-to-date information about legislation related to rulemaking is available on the Internet at:

<http://www.rules.state.ut.us/law/legis.htm>. Additional information about the 2001 General Session and specific legislation is available from the Legislature's Office of Legislative Research and General Counsel at:

<http://www.le.state.ut.us/~2001/2001.htm>. The Legislature's home page can be found at: <http://www.le.state.ut.us/>.

Questions about this legislation may be directed to Ken Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, phone: (801) 538-3777, FAX: (801) 538-1773, or Internet E-mail: khansen@das.state.ut.us

End of the Editor's Notes Section

SPECIAL NOTICES

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. 01-04, dated February 16, 2001 (<http://www.state.lib.ut.us/01-04.html>). For a copy of the complete list, 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; or view them on the World Wide Web at the address above.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between February 2, 2001, 12:00 a.m., and February 15, 2001, 11:59 p.m., are included in this, the March 1, 2001, 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 April 2, 2001. 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 June 29, 2001, 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.

The Proposed Rules Begin on the Following Page.

Commerce, Occupational and
Professional Licensing
R156-22
Professional Engineers and
Professional Land Surveyors Licensing
Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23517

FILED: 02/06/2001, 12:36

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Upon counsel from the Assistant Attorney General who represents the Division of Occupational and Professional Licensing (DOPL), DOPL was advised that the section of rule that permitted foreign educated applicants to make up any deficiencies in their non-accredited program and become licensed was not consistent with statute, which inconsistency could result in a legal challenge. Currently, a foreign educated applicant who does not have an accredited engineering degree or an engineering degree that is determined to be equal to an accredited degree is permitted to make up any course work and get licensed. This opportunity is not available to U.S. education applicants who do not have an accredited degree in engineering. Since foreign educated applicants do not get the humanities, social sciences, and liberal arts in their foreign education program, it does seem reasonable to permit the applicant to make up those deficiencies, but not deficiencies in the core curriculum. The applicant who has deficiencies in the core curriculum would now be required to matriculate into and earn a BS or MS degree from an approved engineering curriculum to qualify for licensure.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-22-201(3), added that only deficiencies in course work in the humanities, social sciences and liberal arts may be satisfied by successfully completing the deficiencies at a recognized college or university as it applies to foreign education applicants. In Subsection R156-22-202(1)(a), deleted that verification of qualifying experience needs to be submitted on forms available from DOPL. In Subsection R156-22-203(1), deleted that verification of professional structural engineering experience needs to be submitted on forms available from DOPL. In Section R156-22-204, added that an applicant for licensure as a professional engineer must have successfully completed the qualifying experience, have successfully completed the education requirements and make application before being eligible to take the National Council of Examiners for Engineering and Surveying (NCEES) Principles and Practice of Engineering (PPE) examination. Also added that the admission criteria to take the NCEES

Fundamentals of Engineering (FE) examination is set forth in Section 58-22-306. In Section R156-22-205, added that an applicant for licensure as a professional structural engineer must have successfully completed the experience requirements and make application before being eligible to take the NCEES Structural I and/or II examinations. Also, in Section R156-22-205, deleted the provision that waived the Utah Law and Rules examination if the professional structural engineer applicant had previously taken the examination when applying for licensure as a professional engineer. In Subsection R156-22-302(1)(a), deleted that verification of qualifying experience needs to be submitted on forms available from DOPL. In Section R156-22-303, added that an applicant for licensure as a professional land surveyor must have successfully completed the qualifying experience requirements and make application before being eligible to take the NCEES Principles and Practice of Land Surveying (PPLS) examination. Also added admission criteria to take the NCEES Fundamentals of Land Surveying (FLS) examination to Section R156-22-303.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-22-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: DOPL will incur minimal costs, approximately \$100, to reprint the rule once these proposed amendments are made effective. Any costs incurred will be absorbed in DOPL's current budget. DOPL will see a minimal amount of savings, approximately \$75, in deleting DOPL forms that are to be completed by applicants for licensure with respect to verification of experience.

❖LOCAL GOVERNMENTS: Proposed rules do not apply to local governments.

❖OTHER PERSONS: DOPL receives approximately five applications per year from foreign educated applicants who have not completed an accredited engineering education program or have not completed an engineering education program determined to be equal to an accredited engineering program. These proposed changes would require these applicants to matriculate into an approved program and complete that program in order to meet the education requirements. The cost per foreign educated applicant to complete the program would be approximately \$12,000. DOPL does not anticipate any additional costs or savings to other applicants for licensure as a professional engineer, professional structural engineer or professional land surveyor as the changes being proposed only clarify existing DOPL practices.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DOPL receives approximately five applications per year from foreign educated applicants who have not completed an accredited engineering education program or have not completed an engineering education program determined to be equal to an accredited engineering program. These proposed changes would require these applicants to matriculate into an approved program and complete that program in order to meet the education requirements. The cost per foreign educated applicant to complete the program would be approximately \$12,000.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact upon licensed practitioners, but foreign applicants (approximately five per year) would have to expend up to \$12,000 each to meet the education requirements for licensure. Klarice A. Bachman, Interim Executive Director

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:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@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 04/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 03/20/2001, 9:00 a.m., 160 East 300 South, Conference Room 428, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.

R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.

R156-22-201. Engineering Program Criteria.

In accordance with Subsections 58-22-302(1)(d) and 58-22-302(2)(d), the engineering program criteria is established as one of the following:

(1) The bachelors or post graduate engineering program shall be accredited by EAC/ABET or the Canadian Engineering Accrediting Board (CEAB).

(2) The post graduate engineering degree, when not accredited by EAC/ABET or CEAB, shall be earned from an institution which offers a bachelors or masters degree in an engineering program accredited by EAC/ABET or CEAB in the same specific engineering discipline as the earned post graduate degree.

(3) If the degree was earned in a foreign country, the engineering curriculum shall be determined to be equivalent to a EAC/ABET accredited program by the NCEES Foreign Evaluations Department. [Any]Only deficiencies in course work in the humanities, social sciences and liberal arts noted by the NCEES Foreign Evaluations Department may be satisfied by successfully completing the deficiencies in course work at a recognized college or university approved by the division in collaboration with the board.

R156-22-202. Qualifying Experience for Licensure as a Professional Engineer.

(1) In accordance with Subsection 58-22-302(1)(e), an applicant for licensure as a professional engineer shall comply with one or more of the following qualifying experience requirements:

(a) Submit verification of qualifying experience [~~on forms available from the division~~] from one or more licensed professional engineers who have provided supervision or who have personal knowledge of the applicant's knowledge, ability, and competence to practice professional engineering documenting completion of a minimum of four calendar years of qualifying experience in professional engineering approved by the division in collaboration with the board in accordance with the following:

(i) Up to one year of qualifying experience may be obtained while enrolled in an engineering program meeting the criteria set forth in Section R156-22-201.

(ii) Unlimited qualifying experience may be obtained after meeting the education requirements.

(iii) A maximum of three of the four years of qualifying experience may be approved by the board for persons who complete one or more of the following:

(A) A maximum of three years of qualifying experience may be granted for teaching advanced engineering subjects in a college or university offering an engineering curriculum accredited by EAC/ABET.

(B) A maximum of three years of qualifying experience may be granted for conducting research in a college or university offering an engineering curriculum accredited by EAC/ABET.

(C) A maximum of one year of qualifying experience may be granted for completion of a masters degree in engineering provided that both the earned bachelors and masters degree in engineering meet the program criteria set forth in Section R156-22-201.

(D) A maximum of two years of qualifying experience may be granted for completion of a doctorate degree in engineering provided that both the earned bachelors or masters degree and doctorate degree in engineering meet the program criteria set forth in Section R156-22-201; or

(b) Submit documentation of two years of licensed experience in a recognized jurisdiction as a professional engineer.

(2) An applicant who was unsuccessful in obtaining licensure by experience before July 1, 1996, but who passed the NCEES Fundamentals of Engineering Examination and completed four years of qualifying experience before July 1, 1996, and who thereafter completes the education requirements in Section R156-22-201, may receive credit for the qualifying experience obtained before July 1, 1996 regardless of the requirements of Subsection (1).

(3) The performance or supervision of construction work as a contractor, foreman or superintendent is not qualifying experience for licensure as a professional engineer.

(4) Full or part time employment, research, or teaching for periods of time less than ten weeks in length will not be considered as qualifying experience.

R156-22-203. Experience Requirements for Licensure as a Professional Structural Engineer.

(1) In accordance with Subsection 58-22-302(2)(e), each applicant shall submit verification of professional structural engineering experience [~~on forms available from the division~~] from one or more licensed professional engineers or professional structural engineers who have personal knowledge of the applicant's knowledge, ability and competence to practice professional structural engineering, which experience is in addition to the qualifying experience required for licensure as a professional engineer.

(2) Professional structural engineering experience shall include responsible charge of structural design in one or more of the following areas:

(a) structural design of any building or structure two stories and more, or 45 feet in height, designed in Uniform Building Code (UBC) seismic zones 2, 3, or 4;

(b) structural design for a major seismic retrofit/rehabilitation of an existing building or structure in UBC seismic zones 2, 3, or 4; or

(c) structural design of any other structure of comparable structural complexity.

(3) Professional structural engineering experience shall include structural design in all of the following areas:

(a) use of three of the following four materials as they relate to the design, rehabilitation or investigation of buildings or structures:

- (i) steel;
- (ii) concrete;
- (iii) wood; or
- (iv) masonry;

(b) selection of framing systems including the consideration of alternatives and the selection of an appropriate system for the interaction of structural components to support vertical and lateral loads;

(c) selection of foundation systems including the consideration of alternatives and the selection of an appropriate type of foundation system to support the structure;

(d) design and detailing for the transfer of forces between stories in multi-story buildings or structures;

(e) application of lateral design in the design of the buildings or structures in addition to any wind design requirements; and

(f) application of the local, state and federal code requirements as they relate to design loads, materials, and detailing.

R156-22-204. Examination Requirements for Licensure as a Professional Engineer.

(1) In accordance with Subsection 58-22-302(1)(f), the examination requirements for licensure as a professional engineer are defined, clarified or established as the following:

([1]a) the NCEES Fundamentals of Engineering ("FE") Examination with a passing score as established by the NCEES;

([2]b) the NCEES Principles and Practice of Engineering ("PPE") Examination with a passing score as established by the NCEES in one of the following disciplines: agriculture, chemical, civil, control systems, electrical, environmental, fire protection, industrial, manufacturing, mechanical, metallurgical, mining/mineral, nuclear, and petroleum; and

([3]c) as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.

(2) An applicant must have successfully completed the qualifying experience requirements set forth in Section R156-22-202, and have successfully completed the education requirements set forth in Section R156-22-201, and make application before being eligible to sit for the NCEES PPE examination.

(3) The admission criteria to sit for the NCEES FE examination is set forth in Section 58-22-306.

R156-22-205. Examination Requirements for Licensure as a Professional Structural Engineer.

(1) In accordance with Subsection 58-22-302(2)(f), the examination requirements for licensure as a professional structural engineer are defined, clarified, or established as the following:

([1]a) the NCEES Fundamentals of Engineering Examination with a passing score as established by the NCEES;

([2]b) the NCEES Principles and Practice Examination in the discipline of civil with a passing score as established by the NCEES;

([3]c) the NCEES Structural I and Structural II Examinations with a passing score as established by the NCEES or the 16 hour California Structural Examination with a passing score as established by the California engineering board; and

([4]d) as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination [~~except for individuals who may have already passed a previous edition of the same examination for licensure as a professional engineer~~].

(2) An applicant must have successfully completed the experience requirements set forth in Subsection R156-22-203(2) and make application before being eligible to sit for the NCEES Structural I and/or II examinations.

R156-22-302. Qualifying Experience for Licensure as a Professional Land Surveyor.

(1) In accordance with Subsections 58-22-302(3)(e) and (f), an applicant for licensure as a professional land surveyor shall comply with one or more of the following qualifying experience requirements:

(a) Submit verification of qualifying experience [~~on forms available from the division~~] from one or more licensed professional land surveyors who have provided supervision or who have personal knowledge of the applicant's knowledge, ability, field experience and competence to practice professional land surveying in accordance with the following:

(i) Applicants who have met the education requirements in Subsection 58-22-302(3)(d) shall document four years of qualifying experience in land surveying which experience may be obtained before, during or after completing the education requirements for licensure.

(ii) Applicants who did not complete the education requirements in Subsection 58-22-302(3)(d) shall document eight years of qualifying experience in land surveying; or

(b) Submit documentation of two years of licensed experience in a recognized jurisdiction as a professional land surveyor.

(2) Full or part time employment for periods of time less than ten weeks in length will not be considered as qualifying experience.

R156-22-303. Examination Requirements for Licensure as a Professional Land Surveyor.

(1) In accordance with Subsection 58-22-302(3)(g), the examination requirements for licensure as a professional land surveyor are established as the following:

- (1) the NCEES Fundamentals of Land Surveying ("FLS") Examination with a passing score as established by the NCEES;
- (2) the NCEES Principles and Practice of Land Surveying ("PPLS") Examination with a passing score as established by the NCEES; and
- (3) the Utah Local Practice Examination with a passing score of at least 75.

(2) An applicant must have successfully completed the qualifying experience requirements set forth in Subsection R156-22-302(1) and make application before being eligible to sit for the NCEES PPLS examination.

(3) The admission criteria to take the NCEES FLS examination is:

- (a) if applying by experience only, completion of the experience requirement set forth in Subsection 58-22-302(3)(e); or
- (b) if applying by education and experience, completion of the education requirement set forth in Subsection 58-22-302(3)(d).

KEY: engineers, surveyors, professional land surveyors*, professional engineers*

July 16, 1998 <u>2001</u>	58-22-101
Notice of Continuation January 27, 1998	58-1-106(1)
	58-1-202(1)



**Commerce, Occupational and
 Professional Licensing
 R156-54-302b
 Examination Requirements - Radiology
 Practical Technician**

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 23518
 FILED: 02/06/2001, 12:36
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 58-54-5(4) requires that the licensing examination for the radiology practical technician be offered "not less than monthly." When the statute was enacted, the national association, American Registry of Radiologic Technologists (ARRT), offered a national licensing examination. However, because the national examination was administered only three times per year, the Division, through its contract test agency, developed a state written examination to be offered "not less than monthly" in order to comply with the statute. The state written examination is equivalent to the national ARRT examination. Recently, ARRT went to computerized

testing. The computerized examination is now available on a daily basis by appointment. Therefore, there is no longer the need to provide and maintain the state written examination.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-54-302b, changes were made in paragraph (1) to delete the minimum passing score and identify the passing score as established by ARRT. Deleted paragraph (2) in its entirety which referenced the Utah Limited Scope of Practice in Radiography Examination.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-54-1, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The Division will incur minimal costs, less than \$100, to reprint the rules once this proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.
- ❖LOCAL GOVERNMENTS: Proposed amendment does not apply to local governments
- ❖OTHER PERSONS: Applicants for licensure as a radiology practical technician: Applicants will see a savings of approximately \$10 per person in that the cost of the ARRT national examination is less than the cost of the state written examination. The Division anticipates approximately 50 applicants have taken the state written examination over a period of a year, for a total savings of \$500.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any compliance costs. Only savings to the applicant for licensure as a radiology practical technician are anticipated as identified above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The national examination costs \$10 per test less, so applicants testing to enter the regulated profession will realize this saving occasioned by elimination of the state examination. Klarice A. Bachman, Interim Executive Director

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:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@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 04/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 03/27/2001, 9:00 a.m., Conference

Room 428 (Fourth Floor), 160 East 300 South, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: A. Gary Bowen, Director

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23524

FILED: 02/12/2001, 09:30

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to extend the time an alarm agent has to comply with the National Burglar and Fire Alarm Association (NBFAA) level one certification or equivalent training requirement.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-55d-603(4), the deadline for compliance with the NBFAA level one certification or equivalent training requirement has been changed from January 1, 2001, to June 30, 2001.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-55-101 and 58-55-308, and Subsections 58-1-106(1), 58-1-202(1), 58-55-302(3)(h), 58-55-302(3)(i), and 58-55-302(4)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will incur minimal costs, less than \$50, to reprint the rules once this proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: This rule does not apply to local governments.

❖OTHER PERSONS: The existing rule requires that alarm agents be trained in accordance with Subsection R156-55d-603(1) and allows a window of time in which alarm agents must comply with the training requirement. The existing window of time allowed has created an undo hardship on the industry. The alarm industry has requested the Division amend the rule providing for a longer time in which alarm agents may comply with the requirements. For those individuals and alarm companies who may be using untrained or uncertified individuals as alarm system installers, there will be a training cost of \$225 or less per alarm installer to obtain the National Burglar and Fire Alarm Association Certification. There may be an overall cost savings, which are indeterminable, to the alarm companies and alarm users in that if the alarms are installed by a trained alarm installer, the incidence of false alarms will be reduced thus reducing costs to the company and the user.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For those individuals and alarm companies who may be using untrained or uncertified individuals as alarm system installers, there will be a training cost of \$225 or less per alarm installer to obtain the National Burglar and Fire Alarm Association Certification.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only purpose of this proposed amendment is to extend the window for currently

**R156. Commerce, Occupational and Professional Licensing.
R156-54. Radiology Technologist and Radiology Practical Technician Licensing Act Rules.
R156-54-302b. Examination Requirements - Radiology Practical Technician.**

In accordance with Subsection 58-54-5(3), the examination requirement for licensure as a radiology practical technician requires passing:

(1) the ARRT Limited Scope of Practice in Radiography Examination with a ~~minimum~~ passing score as established by ARRT ~~of 65%~~ for ~~each of~~ the following:

- (a) core; and
- (b) one or more of the following sections:
 - (i) chest;
 - (ii) extremities;
 - (iii) skull/sinuses;
 - (iv) spine; and
 - (v) podiatric;~~or~~

~~(2) the Utah Limited Scope of Practice in Radiography Examination with a minimum passing score of 65% for each of the following:~~

- ~~(a) core; and~~
- ~~(b) one or more of the following sections:~~
 - ~~(i) chest;~~
 - ~~(ii) extremities;~~
 - ~~(iii) skull/sinuses;~~
 - ~~(iv) spine;~~
 - ~~(v) podiatric; and~~
 - ~~(vi) osteoporotic;] and~~

~~(3)2) the Utah Radiology Technologist and Radiology Practical Technician Law and Rule Examination with a minimum passing score of 75%.~~

KEY: licensing, radiology technologist*, radiology practical technician*

~~February 3, 1998]2001~~

Notice of Continuation May 12, 1997

58-54-1

58-1-106(1)

58-1-202(1)

Commerce, Occupational and Professional Licensing

R156-55d-603

Operating Standards - Alarm Installer

licensed alarm agents to undergo mandatory training. Implementation of this amendment would have no fiscal impact on the regulated businesses except for retention of alarm installers who have not yet taken the certification training, and would therefore be unqualified to continue working for the business but for this amendment. Klarice Bachman, Interim Executive Director

KEY: licensing, alarm company*, burglar alarms*
~~[September 18, 2000]~~2001

58-55-101
58-1-106(1)
58-1-202(1)
58-55-302(3)(h)
58-55-302(3)(i)
58-55-302(4)
58-55-308

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.



Commerce, Real Estate
R162-209
Administrative Proceedings

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.

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 23526

FILED: 02/14/2001, 16:22

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 04/02/2001.

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To define administrative proceedings for residential mortgage loan professionals.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

SUMMARY OF THE RULE OR CHANGE: This is a new administrative procedure rule for last year's Residential Mortgage Practices Act. Procedures are set for formal and informal hearings, following Utah Administrative Procedures Act (UAPA).

AUTHORIZED BY: A. Gary Bowen, Director

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-46b-4

**R156. Commerce, Occupational and Professional Licensing.
R156-55d. Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules.**

R156-55d-603. Operating Standards - Alarm Installer.

In accordance with Subsection 58-55-308(1), the operating standards for the installer of an alarm system include the following:

ANTICIPATED COST OR SAVINGS TO:

(1) An alarm agent must be fully trained in the installation of an alarm system in accordance with the National Burglar and Fire Alarm Association (NBFAA) level one certification or equivalent training requirements prior to the alarm agent installing any alarm system in any residence, business, or public building within the state.

❖THE STATE BUDGET: This rule is merely for procedural purposes, it is anticipated that there will be no effect on state budget.

(2) An alarm agent upon receiving initial licensure may work under the direct supervision of an alarm agent who has level one certification for a period of six months from the time of initial licensure without being required to hold a level one certificate.

❖LOCAL GOVERNMENTS: This rule is merely for procedural purposes, it is anticipated that there will be no effect on local government as a cost or savings.

(3) An alarm agent shall carry evidence of the NBFAA level one certification or equivalent training with him at all times.

❖OTHER PERSONS: This rule is merely for procedural purposes, it is anticipated that there will be no fiscal impact on other persons.

(4) An alarm agent holding licensure under Title 58, Chapter 55 shall have until ~~January 1~~ June 30, 2001 to comply with the NBFAA level one certification or equivalent training requirement.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It may result in savings to affected persons because it permits informal proceedings which are faster and less expensive than formal proceedings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule implements the procedures to be followed in adjudicative proceedings under the act. This rule, being wholly procedural in nature, will have no direct fiscal impact upon the regulated professionals, except in that it might save the regulated professionals time and money by clearly setting out the procedures to be followed.

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

Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mark Fagergren at the above address, by phone at (801) 536-7967, by FAX at (801) 530-6749, or by Internet E-mail at mfagergr@br.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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Director

R162. Commerce, Real Estate.

R162-209. Administrative Proceedings.

R162-209-1. Formal Adjudicative Proceedings.

Any adjudicative proceeding as to the following matters shall be conducted on a formal basis:

209.1.1. A disciplinary action commenced by the Division following investigation of a complaint; and

209.1.2. Any proceedings conducted subsequent to the issuance of a cease and desist order.

R162-209-2. Informal Adjudicative Proceedings.

209.2.1. All adjudicative proceedings as to any other matters not specifically designated as formal adjudicative proceedings shall be conducted as informal adjudicative proceedings.

209.2.2. A hearing will be held in an informal adjudicative proceeding only if required or permitted by the Utah Residential Mortgage Practices Act.

209.2.3. A party is not required to file a written answer to a notice of agency action from the Division in an informal adjudicative proceeding.

209.2.4. All proceedings on original or renewal applications for registration will be conducted as informal adjudicative proceedings.

209.2.5. Any application form which is filled out and submitted to the Division for registration or renewal of registration shall be deemed a request for agency action pursuant to the Utah Administrative Procedures Act, Section 64-46b-1, et seq.

209.2.6. Within a reasonable time after receipt of an application, the Division shall:

(a) issue and mail a registration to the applicant, which shall be deemed notification that the application is granted;

(b) notify the applicant that the application is incomplete or that further information is needed;

(c) notify the applicant that a hearing shall be scheduled before the Utah Residential Mortgage Regulatory Commission; or

(d) notify the applicant that the application is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial.

209.2.7. Other Requests for Agency Action. All other requests for agency action shall be in writing and signed by the requestor, and shall contain the following:

(a) the names and addresses of all persons to whom a copy of the request for agency action is being sent;

(b) the agency's file number or other reference number, if known;

(c) the date of mailing of the request for agency action;

(d) a statement of the legal authority and jurisdiction under which the agency action is requested, if known;

(e) a statement of the relief or action sought from the Division; and

(f) a statement of the facts and reasons forming the basis for relief or agency action.

209.2.8. Within a reasonable time after receipt of a request for agency action other than an application for original or renewal registration, the Division shall:

(a) notify the requestor in writing that the request is granted;

(b) notify the requestor that the request is incomplete or that further information is needed before the Division is able to make a determination on the request;

(c) notify the requestor that the Division does not have the legal authority or jurisdiction to grant the relief requested or the action sought; or

(d) notify the requestor that the request is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial.

209.2.9. A complaint against a registrant requesting that the Division commence an investigation or a disciplinary action is not a request for agency action pursuant to the Utah Administrative Procedures Act, Section 64-46-1, et seq.

R162-209-3. Hearings Not Required.

A hearing is not required and will not be held in the following informal adjudicative proceedings:

(a) The issuance of an original or renewal registration when the application has been approved by the Division;

(b) The issuance of any interpretation of statute, rule or order, or the issuance of any written opinion or declaratory order determining the applicability of a statute, rule or order, when enforcement or implementation of the statute, rule or order lies within the jurisdiction of the Division; or

(c) The denial of an application for original or renewal registration on the ground that it is incomplete.

R162-209-4. Hearings Permitted.

209.4.1. An informal post-revocation hearing following the revocation of a registration pursuant to Utah Code Section 61-2c-

202(4)(d) for the failure of a person to accurately disclose his criminal history will be held only if requested in writing by the person within 30 days from the date the Division's notice of agency action was mailed.

R162-209-5. Procedures for Hearing in Informal Adjudicative Proceedings.

209.5.1. Notice of hearing. Upon the scheduling of a hearing by the Division on an application for registration or upon receipt of a timely request for a hearing where other hearings are permitted, the Division shall mail written notice of the date, time, and place scheduled for the hearing at least ten day prior to the hearing.

209.5.2. Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence. All parties shall have access to the Division's files and all materials and information gathered in any investigation to the extent permitted by law.

209.5.3. Intervention is prohibited.

209.5.4. Hearings shall be open to all parties, except that a hearing on an applicant's fitness for registration shall be conducted in a closed session which is not open to the public. The parties named in the notice of agency action or the request for agency action may be represented by counsel and shall have the opportunity to testify, present witnesses and other evidence, and comment on the issues.

209.5.5. Within a reasonable time after the hearing, the presiding officer shall cause to be issued and sent to the parties a signed order based on the facts appearing in the agency's files and on the facts presented in evidence at the hearing. The order shall state the decision and the reasons therefor and a notice of the right of administrative review and judicial review available to the parties including applicable time limits.

KEY: residential mortgage loan origination
2001

63-46b-4



**Crime Victim Reparations,
Administration
R270-1
Award and Reparation Standards**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23527
FILED: 02/15/2001, 16:04
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Crime Victims Reparations (CVR) statute, Subsection 63-25a-406(j), allows the CVR Board to allocate trust fund monies to other victim services once a sufficient reserve has been established for reparations. To authorize medical providers

to certify that a sexual assault forensics examination has been performed.

SUMMARY OF THE RULE OR CHANGE: Provides a process to review application and requests for proposal for one time requests and ongoing funding for other victim services. Adds medical provider to those authorized to certify that sexual assault examinations have been performed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-25a-406(c)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: CVR derives its funding from surcharges. No State General Fund monies are appropriated. Funding for other victim services would be awarded out of the existing Trust Fund monies.

❖LOCAL GOVERNMENTS: Local Government could benefit if local agencies received victim service awards.

❖OTHER PERSONS: There could be some savings to other persons if they were approved for a victim service award.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no compliance costs because the CVR program does not impose fees to apply for other victim service needs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would not be a fiscal impact on businesses since funding comes from the existing CVR Trust Fund.

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

Crime Victim Reparations
Administration
Suite 200
350 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan R. Davis at the above address, by phone at (801) 238-2367, by FAX at (801) 533-4127, or by Internet E-mail at ddavis@gov.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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: Dan R. Davis, Director

**R270. Crime Victim Reparations, Administration.
R270-1. Award and Reparation Standards.
R270-1-1. Authorization and Purpose.**

As provided in Section 63-25a-406 the purpose of this rule is to provide interpretation and standards for the administration of crime victim reparations.

R270-1-2. Funeral and Burial Award.

A. Pursuant to Subsection 63-25a-411(4)(f), total award for funeral and burial expenses is \$7,000 for any reasonable and necessary charges incurred directly relating to the funeral and burial of a victim. This amount includes transportation of the deceased within the United States. Allowable expenses in this category may include the emergency acquisition of a burial plot for victims who did not previously possess or have available to them a plot for burial.

B. Transportation of secondary victims to attend a funeral and burial service shall be considered as an allowable expense in addition to the \$7,000.

C. Loss of earnings for secondary victims to attend a funeral and burial service shall be allowed as follows:

1. Three days in-state
2. Five days out-of-state

D. When a victim dies leaving no identifying information, claims made by a provider cannot be considered.

R270-1-3. Negligent Homicide and Hit and Run Claims.

A. Negligent homicide claims shall be considered criminally injurious conduct as defined in Subsection 63-25a-402(9).

B. Pursuant to Subsection 63-25a-402(9)(e), criminally injurious conduct shall not include victims of hit and run crimes.

R270-1-4. Counseling Awards.

A. Pursuant to Subsections 63-25a-402(20) and 63-25a-411(4)(c), out-patient mental health counseling awards are subject to limitations as follows:

1. The reparation officer shall approve a standardized treatment plan.

2. The cost of initial evaluation and testing may not exceed \$300 and shall be part of the maximum allowed for counseling. For purposes herein, an evaluation shall be defined as diagnostic interview examination including history, mental status, or disposition, in order to determine a plan of mental health treatment.

3. Primary victims of a crime shall be eligible for a \$2500 maximum mental health counseling award.

4. Secondary victims of a crime shall be eligible for a \$1000 maximum mental health counseling award.

5. Extenuating circumstances warranting consideration of counseling beyond the maximum may be submitted by the mental health provider after the maximum award has been reached.

6. Counseling costs will not be paid in advance but will be paid on an ongoing basis as victim is being billed.

7. In-patient hospitalization shall only be considered when the treatment has been recommended by a licensed therapist in life-threatening situations. In these cases the Crime Victim Reparations Board shall consider reimbursement of in-patient treatment or contract with a managed mental health care provider to make recommendations to the Reparations Officer regarding treatment. A direct relationship to the crime needs to be established. Acute in-patient hospitalization shall not exceed \$600 per day, which includes all ancillary expenses, and will be considered payment in full to the provider. Inpatient psychiatric visits will be limited to one visit per day with payment for the visit made to the institution at the highest rate of the individuals providing therapy as set by rule. Reimbursement for testing costs may also be allowed.

Secondary victims shall not be considered for in-patient hospitalization.

8. Residential and day treatment shall only be considered when the treatment has been recommended by a licensed therapist to stabilize the victim's behavior and symptoms. Residential and day treatment shall not be used for extended care of dysfunctional families and containment placements. A direct relationship to the crime needs to be established. Only facilities with 24 hour nursing care can be considered. Residential treatment shall not exceed \$300 per day and will be considered payment in full to the provider. Residential treatment shall be limited to 30 days. Day treatment shall not exceed \$200 per day and will be considered payment in full to the provider. Secondary victims shall not be considered for residential or day treatment.

9. Child sexual abuse victims under the age of 13 who become perpetrators shall only be considered for mental health treatment awards directly related to the victimization. Perpetrators age 13 and over who have been child sexual abuse victims shall not be eligible for compensation. The CVR Board or contracting agency for managed mental health care shall help establish a reasonable percentage regarding victimization treatment for inpatient, residential and day treatment. Out-patient claims shall be determined by the Reparation Officer on a case by case basis upon review of the mental health treatment plan.

10. Payment for mental health counseling shall only be made to licensed therapists; or to individuals working towards a license, registered with the State of Utah Department of Commerce, Division of Professional and Occupational Licensing and supervised by a licensed therapist.

11. Payment of hypnotherapy shall only be considered when treatment is performed by a licensed mental health therapist based upon an approved Treatment Plan.

12. The following maximum amounts shall be payable for mental health counseling:

(a) up to \$125 per hour for individual and family therapy performed by licensed psychiatrists, and up to \$62.50 per hour for group therapy;

(b) up to \$85 per hour for individual and family therapy performed by licensed psychologists and up to \$42.50 per hour for group therapy;

(c) up to \$65 per hour for individual and family therapy performed by an L.C.S.W., M.S.W. or marriage and family therapist, and up to \$32.50 per hour for group therapy. These rates shall also apply to therapists working towards a license and supervised by a licensed therapist;

(d) The above-mentioned rates shall apply to individuals performing treatment, and not those supervising treatment.

13. Chemical dependency specific treatment will not be compensated unless the Reparation Officer determines that it is directly related to the crime. The CVR Board may review extenuating circumstance cases.

R270-1-5. Attorney Fees.

Pursuant to Subsection 63-25a-424(2) attorney fees shall be made within the reparation award and not in addition to the award. If an award is paid in a lump sum, the attorney's fee shall not exceed 15% of the total award; if payments are awarded on an on going basis, attorney fees will be paid when warrants are generated but not to exceed 15%. When appeal hearing denials are overturned,

attorney fees shall be calculated only on the appealed reparation issue.

R270-1-6. Reparation Awards.

Pursuant to Section 63-25a-403, reparation awards can be made to victims of violent crime where restitution has been ordered by the court but appears unlikely the restitution can be paid within a reasonable time period. However, notification of the award will be sent to the courts, prosecuting attorneys, Board of Pardons or probation and parole counselors indicating any restitution monies collected up to the amount of the award will be forwarded to the Crime Victim Reparations Trust Fund.

R270-1-7. Abortion.

Expenses for an abortion that is permitted pursuant to Sections 76-7-301 through 76-7-325 shall be eligible for a reparation award as long as all the requirements of Section 63-25a-411 have been met.

R270-1-8. Emergency Awards.

Pursuant to Section 63-25a-422, emergency awards up to \$1000 can be granted. No time limit is required for filing an emergency claim. Processing of emergency claims is three to five days.

R270-1-9. Loss of Earnings.

A. Pursuant to Subsection 63-25a-411(4)(d), the 66-2/3% of the person's weekly salary or wages is calculated on gross earnings.

B. Loss of earnings for primary and secondary victims may be reimbursed for up to a maximum of twelve (12) weeks work loss, at an amount not to exceed the maximum allowed per week by Worker's Compensation guidelines in effect at the time of work loss. Reference should be made to Section R270-1-11 for guidelines on sick leave, annual leave or bereavement leave as a collateral source. The Crime Victim Reparations Board may review extenuating circumstances on loss of earnings claims.

R270-1-10. Moving, Transportation Expenses.

A. Pursuant to Subsection 63-25a-411(4)(a), victims of violent crime who suffer a traumatic experience or threat of bodily harm are allowed moving expenses up to \$2000. Board approval is needed where extenuating circumstances exist.

B. Transportation expenses up to \$500 are allowed for court, medical or mental health visits for primary and secondary victims. Board approval is needed where extenuating circumstances exist.

R270-1-11. Collateral Source.

A. Pursuant to Section 63-25a-413, sick leave and annual leave shall be considered as a collateral source. If there are extenuating circumstances, the director may make an exception to this requirement.

B. Only insurance policies that itemize specific coverages under the policy, such as funeral and burial expenses, shall be considered as a collateral source.

C. Crime Victim Reparations Trust Fund monies shall be used before State Social Services contract monies when considering out-of-pocket expenses in child sexual abuse cases, if the individuals qualify as victims. If the victim qualifies for Medicaid, the contract monies should be used first.

D. Crime Victim Reparations Trust Fund monies shall be used before the Utah Medical Assistance Program funds when considering allowable benefits for victims of violent crime.

R270-1-12. Record Retention.

A. Pursuant to Section 63-25a-401, retention of Crime Victim Reparations annual report and crime victim case files shall be as follows:

1. Annual reports and other statistical information shall be retained in office for a period of three years and then transferred to State Archives.

2. Crime victim case files shall be retained in office as needed for administrative use. After closure or denial of a case file, case file shall be retained in office for one year and then transferred to State Archives. Case files will be retained in the State Records Center for eleven years and then destroyed.

R270-1-13. Awards.

A. Pursuant to Section 63-25a-421, when billing from the providers exceeds the maximum allowed, the Reparation Officer shall pay the bills by the date of service. The Reparation Officer shall solicit input from the victim when making this determination. When the services and the billings have occurred at the same time, the Reparation Officer shall determine payment on a percentage basis.

R270-1-14. Essential Personal Property.

Pursuant to Subsection 63-25a-411(4)(h), essential personal property covers all personal articles necessary and essential for the health and safety of the victim. The Reparation Officer may allow up to \$1500 for replacement of such items as eyeglasses, hearing aids, burglar alarms, door locks, crime scene cleanup, repair of walls and broken windows, etc. The board shall review any exceptions over \$1500.

R270-1-15. Subrogation.

Pursuant to Section 63-25a-419, subrogation monies collected from the perpetrator, insurance, etc., will be placed in the Crime Victim Reparations Trust Fund and will not be credited toward a particular victim or claimant award amount.

R270-1-16. Unjust Enrichment.

A. Pursuant to Subsection 63-25a-410(1)(d), the following criteria shall be used when considering claims involving possible unjust enrichment of an offender:

1. Unjust enrichment determination shall not be based solely on the presence of the offender in the household at the time of the award.

2. Awards shall not be denied on the basis that the offender would be unjustly enriched, if the victim cooperates with investigation and prosecution of the crime and does what is possible to prevent access by the offender to substantial compensation.

3. Payment to third party providers shall be made to prevent monies intended for victim expenses be used by or on behalf of the offender.

4. Collateral resources such as court-ordered restitution and medical insurance that are available to the victim from the offender shall be examined. However, the victim shall not be penalized for

failure of an offender to meet legal obligations to pay for the cost of the victim's recovery.

5. Factors to be considered in determining whether enrichment is substantial or inconsequential include the amount of the award and whether a substantial portion of the compensation award will be used directly by or on behalf of the offender. If the offender has direct access to a cash award and/or if a substantial portion of it will be used to pay for his living expenses, that portion of the award that will substantially benefit the offender may be reduced or denied. When enrichment is inconsequential or minimal, the award shall not be reduced or denied.

R270-1-17. Prescription or Over-the-Counter Medications.

A. Reimbursement of prescription or over-the-counter medications used in conjunction with mental health therapy shall be considered only for the duration of an approved Treatment Plan.

B. Reimbursement of prescription or over-the-counter medications used in conjunction with medical treatment shall be considered only during the course of treatment by the physician.

C. Medication management rates shall be limited to a maximum of \$62.50 per thirty minute session.

R270-1-18. Peer Review Committee.

A. A volunteer Peer Review Committee may be established to review issues and/or provide input to Crime Victim Reparations staff on out-patient mental health counseling claims. The composition, duties, and responsibilities of this Committee shall be defined by the Crime Victim Reparations Board by written internal policy and procedure.

R270-1-19. Medical Awards.

A. Pursuant to Subsection 63-25a-411(4)(b), medical awards are subject to limitations as follows:

1. All medical costs must be related directly to the victimization and all treatment must be considered usual and customary.

2. The reparation officer reserves the right to audit any and all billings associated with medical care.

3. The reparation officer will not pay any interest, finance, or collection fees as part of the award.

4. After the effective date of this rule, in-patient hospital medical bills shall be reimbursed at a rate established between the CVR office and individual hospitals and shall be considered payment in full. A Memorandum of Agreement shall be signed and kept on file.

R270-1-20. Misconduct.

Pursuant to Subsections 63-25a-402(21) and 63-25a-412(1)(b) misconduct shall be considered conduct which contributed to the victim's injury or death or engaged in conduct in which the victim could have reasonably foreseen could lead to injury or death. In determining whether the victim engaged in misconduct, the CVR staff shall consider any behavior of the victim that may have directly or indirectly contributed to the victim's injury or death including consent, provocation, verbal utterance, gesture, incitement, prior conduct of the victim or the ability of the victim to have reasonably avoided the incident upon which the claim is based.

R270-1-21. Three Year Limitation.

Pursuant to Subsections 63-25a-406(1)(c) and 63-25a-428(2) a claim for benefits expires and no further payments will be made with regard to the claim after three years have elapsed from the date of application with the CVR office. All claimants who have filed a claim for benefits with the CVR office prior to the effective date of this rule shall be notified in writing of the three year limitation for payment of benefits. Any claimant who filed a claim for benefits more than two and one-half years prior to the effective date of this rule, other than a claim for benefits for permanent disability or loss of support, shall be notified in writing that they have six months in which to submit any remaining expenses before the three year limitation is imposed and the claim is closed. Claims for benefits for permanent disability or loss of support filed prior to the effective date of this rule shall not be subject to the three year limitation. The Crime Victim Reparations Board may review extenuating circumstances on claims that have been closed because of the Three Year Limitation rule.

R270-1-22. Sexual Assault Forensic Examinations.

A. Pursuant to Subsections 63-25a-402(19) and 63-25a-411(4)(i), the cost of sexual assault forensic examinations for gathering evidence and providing treatment may be paid by the CVR office in an amount not to exceed \$300.00. The CVR office may also pay for the cost of medication and up to 85% of the hospital expenses. The following agency guidelines need to be adhered to when making payments for sexual assault forensic examinations:

1. A sexual assault forensic examination shall be reported to law enforcement.

2. Victims shall not be charged for sexual assault forensic examinations.

3. The agency may reimburse any licensed health care facility that provides services for sexual assault forensic examinations.

4. The agency may reimburse licensed medical personnel trained to gather evidence of sexual assaults who perform sexual assault forensic examinations.

5. CVR may pay for the collection of evidence and not attempt to prove or disprove the allegation of sexual assault.

6. A request for reimbursement shall include the law enforcement case number or be signed by a law enforcement officer~~[-or]~~, victim/witness coordinator or medical provider.

7. The application or billing for the sexual assault forensic examination must be submitted to CVR within one year of the examination.

8. The billing for the sexual assault forensic examination shall:

a. identify the victim by name, address, date of birth, Social Security number, telephone number, patient number;

b. indicate the claim is for a sexual assault forensic examination; and

c. itemize services and fees for services.

9. All collateral sources that are available for payment of the sexual assault forensic examination shall be considered before CVR Trust Fund monies are used. Pursuant to Subsection 63-25a-411(i), the Director may determine that reimbursement for a sexual assault forensic examination will not be reduced even though a claim could be recouped from a collateral source.

10. Evidence will be collected only with the permission of the victim or the legal guardian of the victim. Permission shall not be required in instances where the victim is unconscious, mentally incapable of consent or intoxicated.

11. Restitution for the cost of the sexual assault forensic examination may be pursued by the CVR office.

12. Payment for sexual assault forensic examinations shall be considered for the following:

a. Fees for the collection of evidence, for forensic documentation only, to include:

- i. history;
- ii. physical;
- iii. collection of specimens and wet mount for sperm; and
- iv. treatment for the prevention of sexually transmitted disease up to four weeks.

b. Emergency department services to include:

- i. emergency room, clinic room or office room fee;
- ii. cultures for gonorrhea, chlamydia, trichomonas, and tests for other sexually transmitted disease;
- iii. serum blood test for pregnancy; and
- iv. morning after pill or high dose oral contraceptives for the prevention of pregnancy.

13. The victim of a sexual assault that is requesting payment by CVR for services needed or rendered beyond the sexual assault forensic examination needs to submit an application for compensation to the CVR office.

R270-1-23. Loss of Support Awards.

A. Pursuant to Subsection 63-25a-411(4)(g), loss of support awards shall be covered on death claims only.

R270-1-24. Rent Awards.

A. Pursuant to Subsection 63-25a-411(4)(a), victims of domestic violence or child abuse may be awarded a one time only rental award for actual rent expenses of \$1800 for a maximum of three months if the following conditions apply:

- 1. The perpetrator was living with the victim at the time of the crime or the rent assistance appears directly related to the victim's ability to distance herself/himself from the perpetrator.
- 2. It appears reasonable that the perpetrator was assisting or was solely responsible for rent.
- 3. The victim agrees that the perpetrator is not allowed on the premises.

R270-1-25. Secondary Victim.

Secondary victims who are not primary victims pursuant to Subsections 63-25a-402(37)(39) and who are traumatically affected by criminally injurious conduct shall be eligible for compensation as prescribed by the CVR Board. Secondary victims include only immediate family members (spouse, father, mother, stepparents, child, brother, sister, stepchild, stepbrother, stepsister, or legal guardian) and anyone residing in the household at the time of the crime who was traumatically affected by the crime. The CVR Board may review requests by other individuals who are not immediate family members or do not reside in the household if their involvement is essential to the well being and treatment of the primary victim.

R270-1-26. Victim Services.

Pursuant to Subsection 63-25a-406(1)(j), the CVR Board may approve victim service requests following receipt of an application or request for proposal. Applications or requests for proposals shall be submitted on a form approved by the CVR Board. Application requests for one time funding will be submitted to the CVR Board for their review and decision. Requests for ongoing funding may be approved by the CVR Board and then forwarded to the CVR grants program for administration and monitoring purposes. All requests for ongoing funding shall be reviewed annually to determine if additional funding is warranted. This process may be implemented in conjunction with the annual Victims of Crime Act (VOCA) request for proposal program. Each request shall comply with all CVR grant program guidelines, certifications and assurances as determined by the director. There is no commitment by the CVR office that once a grant has been funded that there will be any subsequent funding. Continuation of funding for new and existing projects is contingent on the availability of funds and a determination that a sufficient reserve has been established for reparation claims. Awards may be denied or limited as determined appropriate by the Board. Decisions by the CVR Board are final and may not be appealed. The CVR office shall review expenditures by award recipients to insure compliance with the provisions of the request. Recipients shall be required to provide the CVR office with all documentation and receipts requested.

KEY: victim compensation, victims of crimes
~~[September 15, 2000]~~2001 63-25a-401 et seq.
 Notice of Continuation December 23, 1996



Environmental Quality, Solid and
 Hazardous Waste
R315-2-2
 Definition of Solid Waste

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23521

FILED: 02/08/2001, 10:13

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change incorporates a decision by the D.C. Court of Appeals which ruled that the Environmental Protection Agency (EPA) had exceeded its authority when it attempted to regulate certain types of reuse and recycling of material processing secondary materials. The Court specifically concluded these materials, when reused or reclaimed, are not discarded and therefore do not meet the definition of a solid waste. Current Utah rules have a similar definition as the corresponding federal regulation now set aside by the federal court decision. To maintain primacy, the corresponding Utah rule must also be changed to comply with the court ruling.

SUMMARY OF THE RULE OR CHANGE: This rule change reinstates a specific exemption from the definition of a solid waste for secondary materials generated within the primary mineral processing industry when they are reclaimed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, and 19-6-106
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Since the changes in the rule do not affect State entities and the enforcement of the rule will not change, there will be no cost or saving impact.

❖**LOCAL GOVERNMENTS:** Since the changes in the rule do not affect local governments and the enforcement of the rule will not change, there will be no cost or saving impact.

❖**OTHER PERSONS:** The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change implements less stringent requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses beyond the current statutory and regulatory impact. -- Dianne R. Nielson, Executive Director

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

Environmental Quality
 Solid and Hazardous Waste
 Cannon Health Building
 288 North 1460 West
 PO Box 144880
 Salt Lake City, UT 84114-4880, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/20/2001

AUTHORIZED BY: Dennis R. Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-2. General Requirements - Identification and Listing of Hazardous Waste.

R315-2-2. Definition of Solid Waste.

(a)(1) A solid waste is any discarded material that is not excluded by subsection R315-2-4(a) or that is not excluded by variance granted under R315-2-18 and R315-2-19.

(2) A discarded material is any material which is:

(i) Abandoned, as explained in paragraph (b) of this section; or

(ii) Recycled, as explained in paragraph (c) of this section; or
 (iii) Considered inherently waste-like, as explained in paragraph (d) of this section.

(b) Materials are solid waste if they are abandoned by being:
 (1) Disposed of; or
 (2) Burned or incinerated; or
 (3) Accumulated, stored, or treated, but not recycled, before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(c) Materials are solid wastes if they are recycled - or accumulated, stored, or treated before recycling - as specified in paragraphs (c)(1) through (c)(4) of this section. Table 1 of 40 CFR 261.2, 1997 ed., is adopted and incorporated by reference and shall be effective through June 30, 1999. Table 1 of 40 CFR 261.2, 1998 ed., is adopted and incorporated by reference, except that the heading for Column 3 shall read "reclamation (Section 261.2(c)(3)) (except as provided in 261.4(a)(16) for mineral processing secondary materials), and shall be effective July 1, 1999.

(i) Used in a manner constituting disposal
 (i) Materials noted with "*" in Column 1 of Table 1 of 40 CFR 261.2, are solid wastes when they are:

(A) Applied to or placed on the land in a manner that constitutes disposal; or

(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land, in which cases the product itself remains a solid waste.

(ii) However, commercial chemical products listed in R315-2-11 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(2) Burning for energy recovery.

(i) Materials noted with a "*" in Column 2 of Table 1 of 40 CFR 261.2 are solid wastes when they are:

(A) Burned to recover energy;

(B) Used to produce a fuel or are otherwise contained in fuels, in which cases the fuel itself remains a solid waste.

(ii) However, commercial chemical products listed in R315-2-11 are not solid wastes if they are themselves fuels.

(3) Reclaimed. Materials noted with a "*" in Column 3 of Table 1 of 40 CFR 261.2 are solid wastes when reclaimed, except as provided under R315-2-4(a)(16), which shall be effective on July 1, 1999. Materials noted with a "---" in column 3 of Table 1 are not solid wastes when reclaimed [~~except as provided under R315-2-4(a)(16), which shall be effective on July 1, 1999~~].

(4) Accumulated speculatively. Materials noted with a "*" in Column 4 of Table 1 of 40 CFR 261.2 are solid wastes when accumulated speculatively.

(d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

(1) Hazardous Waste Nos. F020, F021, unless used as an ingredient to make a product at the site of generation, F022, F023, F026, and F028.

(2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in R315-2-9 through R315-2-10 and R315-2-24, except for brominated material that meets the following criteria:

- (i) The material must contain a bromine concentration of at least 45%; and
 - (ii) The material must contain less than a total of 1% of toxic organic compounds listed in 40 CFR 261 Appendix VIII; and
 - (iii) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- (3) The Board will use the following criteria to add wastes to that list:
- (i)(A) The materials are ordinarily disposed of, burned, or incinerated; or
 - (B) The materials contain toxic constituents listed in R315-50-10 and these constituents are not ordinarily found in raw materials or products for which the materials substitute, or are found in raw materials or products in smaller concentrations, and are not used or reused during the recycling process; and
 - (ii) The material may pose a substantial hazard to human health and the environment when recycled.
 - (e) Materials that are not solid waste when recycled.
 - (1) Materials are not solid wastes when they can be shown to be recycled by being:
 - (i) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - (ii) Used or reused as effective substitutes for commercial products; or
 - (iii) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on the land. After June 30, 1999, in cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at R315-2-4(a)(16) apply rather than this provision.
 - (2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process, described in paragraphs (e)(1)(i)-(iii) of this section:
 - (i) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or
 - (ii) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or
 - (iii) Materials accumulated speculatively; or
 - (iv) Materials listed in paragraphs (d)(1) and (d)(2) of this section.
 - (f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce rules implementing the Utah Solid and Hazardous Waste Act who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation, such as contracts showing that a second person uses the material as an ingredient in a production process, to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

KEY: hazardous waste

~~July 15, 2000~~ 2001

Notice of Continuation March 12, 1997

19-6-105

19-6-106

◆ ————— ◆

Labor Commission, Antidiscrimination and Labor, Antidiscrimination **R606-1-3** Procedures--Request for Agency Action and Investigation File

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23515

FILED: 02/06/2001, 12:28

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed change specifies the techniques and tools that may be used to investigate claims of employment discrimination. The proposed change also specifies the effect a party's non-cooperation may have on the outcome of an investigation.

SUMMARY OF THE RULE OR CHANGE: The proposed change describes the various methods (on-site visits, interviews, fact finding conferences, review of records, etc.) that the Division may use to investigate complaints of employment discrimination. The proposed change also provides that, in cases where a party fails to co-operate with the Division's reasonable investigative requests, the Division may make its decision based on the information otherwise available.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-5-101 et seq. and 63-46b-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The proposed change is consistent with the Division's established procedures and will not result in any cost or savings to the state budget.

❖**LOCAL GOVERNMENTS:** The proposed change does not modify the Division's existing practice for investigating claims of employment discrimination. Consequently, local governments in their capacity as employers will not experience any costs or savings as a result of the proposed change.

❖**OTHER PERSONS:** The proposed change does not modify the Division's existing practice for investigating claims of employment discrimination. Consequently, employers will not experience any costs or savings as a result of the proposed change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Existing law authorizes the Division to fully investigate complaints of employment discrimination. Historically, the parties to such complaints have been required to provide documentation and other evidence relevant to the complaints. While this proposed change enumerates some of the investigative tools that may be used by the Division, it does not create new requirements or impose additional obligations. The Commission does not anticipate any compliance costs as a result of this proposal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As noted above, the proposed change enumerates appropriate investigative tools, but does not impose new obligations on business or others. However, the proposed change does make clear that a party's unjustified failure to provide necessary information may result in the Division using information otherwise available as the basis for its decision. This provision is expected to simplify and expedite some investigations and, on balance, reduce the fiscal impact on businesses and other parties.

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

Labor Commission
Antidiscrimination and Labor,
Antidiscrimination
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146630
Salt Lake City, UT 84114-6630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joseph Gallegos Jr. at the above address, by phone at (801) 530-6921, by FAX at (801) 530-7609, or by Internet E-mail at icmain.jgallego@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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R606. Labor Commission, Antidiscrimination and Labor, Antidiscrimination.

R606-1. Antidiscrimination.

R606-1-3. Procedures--Request for Agency Action and Investigation File.

A. CONTENTS OF REQUEST FOR AGENCY ACTION

A request for agency action as specified in Section 34A-5-107, shall be filed at the Division office on a form designated by the Division. The completed form shall include all information required by Section 63-46b-3(3).

B. FILING OF REQUEST FOR AGENCY ACTION

1. A request for agency action must be filed within 180 days after the alleged discriminatory or prohibited employment practice occurred.

2. A request for agency action shall be filed either by personal delivery or regular mail addressed to the Division's office in Salt Lake City, Utah.

3. Investigators and any other persons designated by the Division, shall be available to assist in the drafting and filing of requests for agency action at the Division's office during normal business hours.

C. RESPONSE/ANSWER TO REQUEST FOR AGENCY ACTION

1. The Division shall mail a copy of the request for agency action to the charging party and the respondent/employer within ten working days of the filing of the request for agency action.

2. The respondent must answer the allegations of discrimination or prohibited employment practice set out in the request for agency action in writing within ten working days of receipt of the request for agency action. The response/answer shall be mailed to the Division office.

D. INVESTIGATION

Pursuant to Section 34A-5-104(2)(b) and Section 34A-5-107(3)(b), the Division may, with reasonable notice to the parties, conduct on-site visits, interviews, fact finding conferences, obtain records and other information and take such other action as is reasonably necessary to investigate the request for agency action. A party's unjustified failure to cooperate with the Division's reasonable investigative request may result in the Division concluding its investigation based on such other information as is available to the Division.

E. AMENDMENT OF REQUEST FOR AGENCY ACTION

1. All allegations of discrimination or prohibited employment practice set out in the request for agency action may be amended, either by the Division or the charging party prior to commencement of an evidentiary hearing and the respondent may amend its answer. Amendments made during or after an evidentiary hearing may be made only with the permission of the presiding officer. The Division shall permit liberal amendment of requests for agency action and filing of supplemental requests for agency action in order to accomplish the purpose of the Act.

2. Amendments or a supplemental request for agency action shall be in writing, or on forms furnished by the Division, signed and verified. Copies shall be filed in the same manner as in the case of original requests for agency action.

3. Amendments or a supplemental request for agency action shall be served on the respondent as in the case of an original request for agency action.

4. A request for agency action or a supplemental request for agency action may be withdrawn by the charging party prior to the issuance of a final order.

[E]E. MAILING OF REQUEST FOR AGENCY ACTION

The mailing specified in Section 63-46b-3(3) shall be performed by the Division and the persons known to have a direct interest in the requested agency action as specified in Section 63-46b-3(3)(b) shall be the charging party and the respondent/employer.

[F]G. CLASSIFICATION OF PROCEEDING FOR PURPOSE OF UTAH ADMINISTRATIVE PROCEDURES ACT

Pursuant to Section 63-46b-4(1), the procedures specified in Section 34A-5-107(1) through (5) are an informal process~~[with no hearing]~~ and are governed by Section 63-46b-5. Any settlement conferences scheduled pursuant to Section 34A-5-107(3) are not adjudicative hearings.

[G]H. PRESIDING OFFICER

For those procedures specified in Section 34A-5-107(1) through (5), the presiding officer shall be the Director or the Director's designee. The presiding officer for the formal hearing referred to in Section 34A-5-(6) through (11) shall be appointed by the Commission.

KEY: discrimination, employment, time

~~[December 26, 1995]~~**2001**

34A-5-101 et seq.

Notice of Continuation February 4, 1997

63-46b-1 et seq.



**Natural Resources, Wildlife Resources
R657-5
Taking Big Game**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23528

FILED: 02/15/2001, 17:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to clarify Sections R657-5-16 and R657-5-58 as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-5-16(3) is being amended to clarify that a Utah big game license or permit does not authorize a person to hunt on tribal trust lands. The person must obtain tribal authorization for hunting on tribal trust lands. Subsection R657-5-58(3)(b) is amended to correct the term "and" to "or," to provide that there is an exception to the other rule sections as indicated, or the proclamation of the Wildlife Board for taking big game.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: These amendments are for clarification only. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

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

❖OTHER PERSONS: These amendments are for clarification. Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments are for clarification. DWR determines that there are no additional compliance costs associated with these amendments.

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

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.

R657-5. Taking Big Game.

R657-5-16. Areas With Special Restrictions.

(1)(a) Hunting of any wildlife is prohibited within the boundaries of all park areas, except those designated by the Division of Parks and Recreation in Rule R651-603-5.

(b) Hunting with rifles and handguns in park areas designated open is prohibited within one mile of all park area facilities, including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches.

(c) Hunting with shotguns or archery equipment is prohibited within one-quarter mile of the areas provided in Subsection (b).

(2) Hunting is closed within the boundaries of all national parks and monuments unless otherwise provided by the governing agency.

(3) Hunters obtaining a Utah license, permit or tag to take big game ~~[may]are not[be]~~ authorized to hunt on tribal trust lands. Hunters must obtain tribal authorization~~[observe tribal regulations concerning wildlife while hunting]~~ on tribal trust lands.

(4) Military installations, including Camp Williams, are closed to hunting and trespassing unless otherwise authorized.

(5) In Salt Lake County, a person may not:

(a) hunt big game or discharge a shotgun or archery equipment within 600 feet of a road, house, or any other building;

(b) discharge a rifle, handgun, shotgun firing slug ammunition, or muzzleloader within one mile of a cabin, house, or other building regularly occupied by people, except west of I-15 a muzzleloader may not be discharged within one-half mile of a cabin, house, or other building regularly occupied by people; or

(c) discharge a rifle, handgun, shotgun firing slug ammunition, or muzzleloader in Salt Lake County, south of I-80 and east of I-15.

(6) Hunting is closed within a designated portion of the town of Alta. Hunters may refer to the town of Alta for boundaries and other information.

(7) Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Section 4-39-102(2) and Rules R58-18 and R58-20, are closed to big game hunting. This restriction does not apply to the lawful harvest of domesticated elk as defined and allowed pursuant to Rule R58-20.

(8) State waterfowl management areas are closed to taking big game, except as otherwise provided in the proclamation of the Wildlife Board for taking big game.

(9) Hunters are restricted to using archery equipment, muzzleloaders or shotguns on the Matheson Wetlands.

R657-5-58. Depredation Hunter Pool Permits.

(1) When deer, elk or pronghorn are causing damage, antlerless control hunts not listed in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be held. These hunts occur on short notice, involve small areas, and are limited to only a few hunters.

(2) Hunters are called from a list of unsuccessful permittees or other resident hunters who have applied for depredation hunts.

(3)(a) Application does not affect eligibility for antlerless or other type hunts. However, hunters who participate in any deer, elk, or pronghorn depredation hunt may not possess an additional antlerless permit for that species during the same year except as provided in Subsection R657-5-50(3).

(b) Hunters with depredation permits for doe pronghorn, antlerless deer or antlerless elk may not possess any other permit for those species, except as provided in Subsections R657-5-27(1)(a) and R657-5-50(3), ~~and~~ or the proclamation of the Wildlife Board for taking big game.

(4) The division may contact hunters to participate in a depredation hunt prior to the general hunt for a given species of big game. Hunters who do not possess an antlerless deer, elk, or pronghorn permit may purchase an appropriate permit.

(5) Applications must be sent to the appropriate regional division office for the area requested.

(6) Applications must be received by the date published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

KEY: wildlife, game laws, big game seasons*

~~January 16,~~ April 3, 2001 **23-14-18**

Notice of Continuation November 30, 2000 **23-14-19**

23-16-5

23-16-6



Natural Resources, Wildlife Resources
R657-39
Regional Advisory Councils

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 23530

FILED: 02/15/2001, 17:14

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to: provide a regional advisory council member term expiration date; clarify how and when meeting dates and times will be determined; and provide that meetings will be conducted in accordance with the Open And Public Meetings Act (Utah Code Ann. Title 52, Chapter 4) Other changes are made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 23-14-2.6(7) and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** These amendments are for clarification only. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

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

❖**OTHER PERSONS:** These amendments are for clarification. Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments are for clarification. DWR determines that there are no additional compliance costs associated with these amendments.

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

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.**R657-39. Regional Advisory Councils.****R657-39-1. Purpose and Authority.**

This rule is established under the authority of Sections 23-14-2.6(7) and 23-14-19 to provide the standards and procedures for the operation of regional advisory councils.

R657-39-2. Definitions.

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

R657-39-3. Memberships -- Terms of Office.

(1)(a) There are created five regional advisory councils which shall consist of at least 12 members and not more than 15 members each from the wildlife region whose boundaries are established for administrative purposes by the division.

(b) Regional advisory councils shall be established as follows:

- (i) two members who represent agriculture;
- (ii) two members who represent sportsman;
- (iii) two members who represent nonconsumptive wildlife;
- (iv) one member who is a locally elected public official;
- (v) one member from the U.S. Forest Service;
- (vi) one member from the Bureau of Land Management;
- (vii) one member who represents Native American Indians where appropriate; and

(viii) two members of the public at large who represent the interests of the region.

(c) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall appoint additional members to the councils, up to a total of 15 per region, if deemed necessary to provide adequate representation of local interests and needs.

(d) Members of the councils shall serve a term of four years, except that members may be appointed for a term of two years to ensure that the terms of office are staggered.

(e) Members may serve no more than two terms.

(f) Members' terms expire on July 1 of the final year in the appointed term.

(2) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, may remove members of the councils from office for cause, but may not do so without a public hearing if requested by the member.

(3) If a vacancy occurs, the executive director of the Department of Natural Resources, ~~[with the advice and consent of]~~ in consultation with the director of the Division of Wildlife

Resources, shall appoint a replacement to serve the remainder of the term from a list of nominees submitted by the respective interest group, agency, or the public at large.

(4)(a) Each council shall appoint:

(i) a chair to conduct meetings and present council recommendations to the Wildlife Board; and

(ii) a vice chair to conduct meetings in the absence of the chair.

(b) The chair and vice chair shall serve for a two year term of office.

(5) Regional supervisors of the division shall serve as executive secretary to the councils and shall provide administrative support.

(6) Each new member shall attend an orientation course provided by the division to assist them in the performance of the duties of the their office~~[which term shall expire on July 1]~~.

(7) Any member who fails to attend two consecutive, previously scheduled meetings without contacting the chair shall be considered to have resigned and shall be replaced as provided in this section.

R657-39-4. Meetings.

(1) ~~[Meetings shall be called]~~ Meeting dates and times may be proposed by the Division of Wildlife Resources, but shall be determined by the chair upon at least ten days notice or upon shorter notice in emergency situations.

(2) Meeting locations may be proposed by the Division of Wildlife Resources, but shall be determined by the chair and must be held within the council's regional boundary.

(3) Meetings shall be conducted in accordance with Robert's Rules of Order.

(4)(a) Each council shall provide not less than 24 hours' public notice of the agenda, date, time, and place of each of its meetings.

(b) Public notice is satisfied by:

(i) posting written notice at the regional division office~~[and at the building where the meeting is to be held]~~; and

(ii) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the council, or to a local media correspondent.

(c) When because of unforeseen circumstances it is necessary for a council to consider matters of an emergency or urgent nature, the notice requirements in this section may be disregarded and the best notice practicable given. No such meeting shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting.

(5) No formal decisions or recommendations may be made at any meeting unless there is a quorum present consisting of a simple majority of the membership of the council.

(6) Written minutes shall be kept of all council meetings pursuant to Section 52-4-7. Such minutes shall include:

(a) the date, time and place of the meeting;

(b) the names of members present and absent;

(c) the substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(d) the names of all citizens who appeared and the substance in brief of their testimony;

(e) any other information that any member requests be entered into the minutes.

(7)(a) All council meetings shall be open to the public except that a council may hold a closed meeting ~~[upon affirmative vote of two-thirds of the members of the council present at an open meeting for which notice is given.]~~as authorized in Utah Code Sections 52-4-4 and 52-4-5.

~~[(b) A closed meeting may be held only to discuss matters identified in Section 52-4-5, provided that no formal recommendations shall be approved during a closed meeting.]~~

~~[(c) The reason or reasons for holding closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name shall be entered into the minutes of the meeting.]~~(b) A record of all closed meetings shall be kept and maintained consistent with Utah Code Section 52-4-7.5.

R657-39-5. Recommendations.

(1) Each council shall:

(a) hear broad input, including recommendations, biological data, and information regarding the effects of wildlife;

(b) gather information from staff, the public, and government agencies; and

(c) make recommendations to the Wildlife Board in an advisory capacity.

(2) The chair of each council or his or her designee shall submit a written recommendation to the Wildlife Board and present its recommendations orally to the Wildlife Board during an open public meeting.

(3) Councils may not make formal recommendations to the Wildlife Board concerning the ~~[administrative]~~internal policies and procedures of the division, personnel matters, or expenditure of the division's budget.

KEY: terms of office, public meetings, regional advisory councils*

~~[June 3, 1996]~~2001

23-14-2.6(7)

23-14-19



Natural Resources, Wildlife Resources

R657-40

Wildlife Rehabilitation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23532

FILED: 02/15/2001, 17:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted for taking public input and reviewing the division's Wildlife Rehabilitation program.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to clarify the standards and procedures for possessing protected wildlife in captivity for rehabilitation

purposes and to: provide that migratory birds may be held in possession only for the time period allowed by the U.S. Fish and Wildlife Service; provide provisions that allow black bear cubs to be released to a den site during the first winter after birth, provided the bear cubs are healthy and of sufficient weight to sustain them through hibernation; provide that an apprentice must be 18 years of age or older, instead of 16; and provide provisions for the temporary holding of any taxon that is not listed on a Certificate of Registration. Other changes are made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-13-4, 23-14-18, and 23-20-3

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: These amendments are to clarify the standards and procedures for possessing protected wildlife in captivity for rehabilitation purposes. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

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

❖OTHER PERSONS: These amendments are to clarify the standards and procedures for possessing protected wildlife in captivity for rehabilitation purposes. Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments are for clarification. DWR determines that there are no additional compliance costs associated with these amendments.

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

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.

R657-40. Wildlife Rehabilitation.

R657-40-1. Purpose and Authority.

(1) Under Sections 23-13-4, 23-14-18, and 23-20-3, this rule provides the standards and procedures for possessing protected wildlife in captivity for rehabilitation purposes. In accordance with the provisions of this rule, the Wildlife Board encourages responsible wildlife rehabilitation by trained and educated individuals as a public service and for the benefit of Utah's wildlife resources.

(2)(a) This rule does not govern the rehabilitation of species of wildlife classified as non-protected wildlife in Subsection 23-13-2(35)(b), including coyote, field mouse, gopher, ground squirrel, jack rabbit, muskrat, and raccoon.

(b) Holding raccoons and coyotes in captivity is governed by the Department of Agriculture under Section 4-23-11 and Rule R58-14. Authorization from the Department of Agriculture is required for their live possession.

R657-40-2. Definitions.

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

(2) In addition:

~~(b)~~(a) "Apprentice" means a person listed on a certificate of registration for wildlife rehabilitation who is authorized to rehabilitate wildlife under the direct supervision of a wildlife rehabilitator.

~~(a)~~(b) "CFR" means the Code of Federal Regulations;

~~(b)~~(c) "Direct Supervision" means to provide personal assistance and instruction to an apprentice for wildlife rehabilitation, including prior approval of treatment and disposition of wildlife undergoing rehabilitation.

~~(c)~~(d) "Taxa" means the following classes of wildlife species that have similar requirements for food, habitat, and other ecological or behavioral needs pertinent to wildlife rehabilitation:

- (i) amphibians;
- (ii) reptiles;
- (iii) birds, except raptors;
- (iv) raptors;
- (v) mammals, except big game and carnivores;
- (vi) big game mammals; and
- (vii) carnivores.

~~(d)~~(e) "Wildlife rehabilitation" means to care for injured, sick, orphaned, or otherwise distressed wildlife for the purpose of returning it to the wild.

~~(e)~~(f) "Wildlife rehabilitator" means a person authorized by the division to rehabilitate wildlife.

R657-40-3. Certificate of Registration Required.

(1) A valid certificate of registration is required before any person may engage in wildlife rehabilitation or possess protected wildlife in captivity for rehabilitation.

(2) Certificates of registration are issued for the sole purpose of restoring protected wildlife to a condition that it may be returned to the wild. A wildlife rehabilitator may not keep protected wildlife in captivity for any other purpose or exhibit any wildlife held in

captivity to the general public without prior written authorization from the division.

(3) Certificates of registration shall specify:

(a) the person responsible for rehabilitation activities and each apprentice acting under the direction of the wildlife rehabilitator;

(b) the taxa or specific species of protected wildlife that may be rehabilitated; and

(c) the locations where rehabilitation activities may occur.

(4) All protected wildlife and its progeny held under a certificate of registration:

(a) shall remain under the jurisdiction of the state of Utah and may not be considered privately owned or legally acquired and shall be returned to the division upon request; and

(b) may not be used for any purpose other than rehabilitation for release to the wild without prior written authorization from the division.

R657-40-4. Application Procedure.

(1) Applications for certificates of registration are available from division offices.

(2) Applicants for:

(a) wildlife rehabilitation must be 18 years of age or older; and

(b) wildlife apprenticeship must be ~~16~~18 years of age or older.

(3) In addition to a completed application, the applicant for wildlife rehabilitation must provide the following information:

(a) the name, date of birth, mailing address, and phone number of the applicant;

(b) the name, date of birth, mailing address, and phone number of each apprentice;

(c) the street address or an adequate description of the location and all premises where wildlife rehabilitation facilities will be established and maintained;

(d) a detailed diagram of all wildlife rehabilitation facilities and cages in which protected wildlife will be held;

(e) the taxa or species of wildlife proposed to be rehabilitated;

(f) the signature of the applicant and date of submittal of the application;

(g)(i) the name, address, and signed statement from a licensed veterinarian agreeing to assist the applicant in wildlife rehabilitation activities; or

(ii) a copy of a valid veterinary license if the applicant is a veterinarian;

(h) a signed, written statement from a wildlife rehabilitator indicating the applicant has a minimum of two years experience performing wildlife rehabilitation under that person's direction. The experience must have been for an average of at least eight hours per week and for the taxa of animals for which the applicant is applying;

(i) a signed, written statement from the city or county in which the applicant proposes to rehabilitate wildlife granting approval for the proposed activities; and

(j) documentation of a passing score of the exam as provided in Section R657-40-5.

(4) The division may waive the training standards required in Subsection (3)(h) for a specific taxa if it is not possible to obtain the required experience because there are no existing rehabilitators authorized to rehabilitate an apprentice for that taxa.

(5) In addition to the information required in Subsection (3), the division may require additional information for rehabilitating potentially dangerous animals, protection of human safety, or other information that will allow the division to effectively assess the applicant's abilities to rehabilitate wildlife.

(6)(a) If the applicant requests authorization to rehabilitate migratory birds, the applicant must provide a copy of the federal application for a special purpose permit as required under 50 CFR 21.27.

(b) The certificate of registration may not be issued until the federal application is approved by the U.S. Fish and Wildlife Service.

(7) Completed applications must be submitted to the Wildlife Registration office located in the Salt Lake division office.

(8) An incomplete application or an application that does not include the information required under this section may be returned to the applicant.

(9)(a) Upon receiving a completed application and the documentation required under this section, a division representative shall inspect the applicant's facilities in accordance with state and federal guidelines.

(b) A certificate of registration will not be issued and an amendment will not be granted to an existing certificate of registration until after the applicant's facilities have been inspected and approved by the division.

(10)(a) The division shall, within 45 days after inspecting the applicant's facility, approve or deny the application based on:

- (i) the need for wildlife rehabilitation in the area;
 - (ii) the applicant's knowledge, background, proficiency, and skill as it relates to wildlife rehabilitation;
 - (iii) the applicant's facilities and ability to adequately care for injured animals;
 - (iv) the exam required under Section R657-40-5;
 - (v) any other relevant information available to the division;
- and

(vi) whether the applicant has been convicted of a wildlife violation related to the applicant's ability to rehabilitate wildlife or the conviction of any violation that demonstrates a lack of willingness or ability to comply with laws related to wildlife and activities associated with wildlife rehabilitation.

(b) If an application is denied, the division shall provide the applicant with a written notice stating the reasons for denial.

(11) Certificates of registration shall expire three years after the date of issuance.

R657-40-5. Exam.

(1)(a) Before a certificate of registration is issued, the applicant must pass an exam relating to wildlife rehabilitation for the requested taxa and other applicable subject matter.

(b) The exam shall cover wildlife rehabilitation techniques, biology and natural history, habitat requirements, safety considerations in handling and transport practices, and state and federal laws and regulations that apply to rehabilitation.

(2) To pass the exam, the applicant must correctly answer 80 percent of the questions asked for each taxa on the exam.

(3) The exam shall be administered by appointment at division offices. The exam is scored at the Salt Lake division office.

(4) The division shall mail the written score to the applicant within 30 days of taking the examination.

(5) The applicant is required to take only the sections of the examination relevant to the taxa for which the person is applying.

R657-40-6. Rehabilitation Guidelines.

(1) In addition to the provisions of this rule, the division may impose the following restrictions on the certificate of registration:

(a) the taxa or specific species of wildlife that may be rehabilitated;

(b) locations where the wildlife may be held in possession or released;

(c) standards of care and facilities that shall be used for specific species of protected wildlife or individual animals;

(d) length of time that the wildlife may be held in captivity; and

(e) restrictions on the disposal or other disposition of the wildlife.

(2)(a) Wildlife that has been injured, to the extent that it cannot be released to the wild without a reasonable chance of survival, must be immediately euthanized or disposed of as provided in Section R657-40-9 or as otherwise authorized by the division.

(b) The division may allow a rehabilitator to convey an animal to another person for educational use or personally use the animal for an educational use only as provided in Rule R657-3.

(3) Each rehabilitator must have a veterinarian available for consultation who is competent in treating wildlife.

(4)(a) Rehabilitators are responsible for all costs associated with the rehabilitation activities and may not charge a fee or receive any other compensation for wildlife rehabilitation functions performed. All accepted donations are the responsibility of the rehabilitator and are subject to applicable tax laws.

(b) Rehabilitators may not charge a fee for training an apprentice.

(c) Rehabilitators may accept donations to defray expenses or to provide materials and facilities essential to wildlife rehabilitation.

(5) Rehabilitators and apprentices are responsible for understanding and complying with all local, state, and federal laws relevant to wildlife rehabilitation.

(6) Any wildlife undergoing rehabilitation may not be displayed, used for demonstrations, held as a pet, or held for any purpose other than to rehabilitate it for release to the wild.

(7) The rehabilitator is responsible for all actions or omissions of the apprentice relating to wildlife rehabilitation.

R657-40-7. Duration of Care.

(1)(a) Wildlife, except migratory birds, may not be held in possession longer than 180 days without written permission from the division.

(b) Migratory birds may be held in possession only for the time period allowed by the U.S. Fish and Wildlife Service.

(2) Any request to hold wildlife longer than 180 days must be submitted in writing to the division's Wildlife Registration office in Salt Lake City.

(3) The division may require the wildlife rehabilitator to submit a signed, written statement from a licensed veterinarian setting forth the medical reasons why the extension is necessary.

(4)(a) The division shall notify the rehabilitator in writing whether the request is granted or denied.

(b) Denial of the request shall include the reasons for denial and directions on disposal or other disposition of the animal.

(5) The rehabilitator may retain the wildlife in possession while the division considers the request.

R657-40-8. Release of Wildlife.

(1) Rehabilitated wildlife shall be released according to the stipulations provided on the rehabilitator's certificate of registration and the following provisions:

~~[(1)](a)~~ The animal to be released must have attained physical and psychological maturity and has attained a full state of health and recovery from injury or illness, except black bear cubs as provided in Subsection (2);

~~[(2)](b)~~ The animal must be released at the appropriate time of year taking into account the animal's seasonal needs for habitat, hibernation, and migration;

~~[(3)](c)~~ The animal must be released in the same geographical area where it was obtained or into suitable habitat to sustain it, specifically an area that provides all life-sustaining needs for the animal including natural food, fresh water, cover, and range; and

~~[(4)](d)~~ The animal may not be released into any area where that species does not occur naturally or where there is an immediate threat to the animal or humans, or domestic animals.

(2) Black bear cubs may be released to a den site during the first winter after birth, provided the bear cubs are healthy and are of sufficient weight to sustain them through hibernation.

R657-40-9. Disposal of Wildlife.

(1) Within ten days after any wildlife dies or is euthanized, the rehabilitator shall, except as provided in Subsection (2), dispose of the carcass by burial or incineration, or transport the carcass to a local landfill that accepts animal carcasses.

(2) Migratory birds, bald and golden eagles, and threatened and endangered species, may be disposed of only as provided in accordance with the rehabilitator's federal permit and other applicable federal regulations.

R657-40-10. Records -- Annual Report.

(1) Each rehabilitator shall keep a current log showing the date of acquisition, location, and disposition of all wildlife held in possession pursuant to the certificate of registration. The log shall be maintained and available for inspection by the division.

(2) On or before January 31, each year, the rehabilitator shall submit a written report to the division of all rehabilitation activities for the previous calendar year.

(3) The annual report must include the following information:

(a) the name, address, and phone number of the rehabilitator and each apprentice;

(b) the federal permit number that relates to any rehabilitative function performed by the rehabilitator; and

(c) an itemized list of each animal held or previously held in captivity pursuant to the certificate of registration.

(4) The itemized list of each animal held or previously held in captivity must include the following information:

(a) species;

(b) injury or condition that required rehabilitation;

(c) source, location, and date of acquisition;

(d) age class at acquisition;

(e) treatment administered;

(f) date and location of release or disposal;

(g) band or identification number if applicable; and

(h) status at the end of the year on the condition requiring rehabilitation.

R657-40-11. Amending the Certificate of Registration.

(1) A rehabilitator may request an amendment to the certificate of registration at any time to add or delete an apprentice or taxon.

(2) The request must be made on a form provided by the division and must include:

(a) a written statement explaining why the amendment is requested;

(b) the documentation required under Section R657-40-4 applicable to the species requested to be added; and

(c) the names, addresses, and phone numbers of any person requested to be added; and

(d) a copy of any documentation required by the U.S. Fish and Wildlife Service, including any request to add an apprentice to the federal permit or to add authorization for additional species of migratory birds.

(3) The division shall approve or deny the request within 60 days of receipt.

R657-40-12. Apprentices.

(1)(a) A rehabilitator may designate individuals to work as apprentices.

(b) Apprentices must be ~~[(16)]~~18 years of age or older.

(2) Each apprentice must be approved by the division and listed on the rehabilitator's certificate of registration.

(3) The rehabilitator must directly supervise each apprentice while engaging in rehabilitation efforts except as provided in Subsection (4).

(4) An apprentice may, without direct supervision:

(a) transport wildlife to or from the rehabilitation facility or to a veterinarian;

(b) release wildlife according to this rule and the rehabilitator's certificate of registration; and

(c) clean and maintain facilities.

(5) A supervising rehabilitator is expected to teach the apprentice the skills necessary to effectively rehabilitate wildlife.

R657-40-13. Termination or Revocation of a Certificate of Registration.

(1)(a) A wildlife rehabilitator may terminate the certificate of registration by submitting written notification to the Wildlife Registration office.

(b) The request for termination must state the requested date of termination.

(c) On or before the date of termination, the wildlife rehabilitator must provide the division with:

(i) an annual report stating all wildlife rehabilitation activity for the past year as provided in R657-40-10;

(ii) an inventory of animals currently held in possession; and

(iii) the location where any animal still held in possession will be transferred.

(2) The division may:

(a) revoke a certificate of registration if the rehabilitator violates any of the provisions of Chapter 23, Wildlife Resources

Code, this rule, or the stipulations provided on the certificate of registration; or

(b) revoke or suspend a certificate of registration if the division finds that the rehabilitator is incompetent to rehabilitate wildlife. A finding of incompetency shall be determined based upon the following:

(i) an inordinately high number of wildlife in the care of the rehabilitator die or are not able to be returned back into the wild without sufficient explanation or reasoning; or

(ii) improper or inhumane care or medical treatment is given to the animals in the care of the rehabilitator.

R657-40-14. Renewal.

(1)(a) On or before the expiration date of the certificate of registration, a rehabilitator may apply to renew a certificate of registration by following the procedures provided in Section R657-40-4.

(b) Documentation required by Section R657-40-4 that is on file with the division's Wildlife Registration office does not need to be resubmitted, provided the applicant indicates that the required information is already on file.

(2) The division may deny a renewal application if the rehabilitator:

(a) failed to submit an annual report as required in R657-40-10;

(b) violated any of the provisions of Chapter 23, Wildlife Resources Code or this rule relating to wildlife rehabilitation or any stipulation provided on the certificate of registration;

(c) violated any state or federal animal welfare law during the period in which the certificate of registration was valid; or

(d) jeopardized the safety of a person or any wildlife held in possession or has failed to provide adequate housing, feeding, or sanitary conditions.

R657-40-15. Facilities and Captivity Standards.

(1) All protected wildlife held pursuant to a certificate of registration shall be kept in as humane a manner as possible to safeguard and protect the interests of the protected wildlife held.

(2) All facilities shall meet the following minimum standards:

(a) The facility shall:

(i) be constructed of such strength as is appropriate for the nature of the animal held;

(ii) be properly braced and constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it;

(iii) be constructed in such a manner as to reasonably prevent the animal's escape or the entry of unauthorized persons or other animals;

(iv) be structurally sound, and shall be maintained in good repair in order to protect the animals from injury and to facilitate the humane practices prescribed in this rule.

(b) Each animal shall be supplied with sufficient water to meet its needs. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal and the rehabilitator shall ensure that the level of available water is monitored once daily or more often as the needs of the animal dictate. All water receptacles shall be kept in a clean and sanitary condition.

(c)(i) Food shall be wholesome, palatable, and free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain each animal held in good health.

(ii) Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the age, species, condition, size, and type of the animal, and all veterinary directions or recommendations in regard to diet.

(iii) The quantity of food supplied to each animal shall be sufficient to meet its needs and keep it in good health.

(iv) Each animal shall be fed as often as its needs dictate, taking into consideration hibernation, veterinary treatment or recommendation, normal fasts or other professionally accepted humane practices.

(v) The rehabilitator shall ensure the level of available food for each animal is monitored once daily, except for those periods of time where professionally accepted humane practices dictate that the animal not consume any food during the entire day.

(vi) Food and food receptacle, if used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination. Food receptacles shall be kept clean and sanitary at all times. Any self-feeding food receptacles shall function properly and the food they provide shall not be subject to deterioration, contamination, molding, caking, or any other process which would render such food unsafe or unpalatable for the animal to be fed.

(vii) Appropriate means of refrigeration shall be provided for supplies or perishable animal foods.

(d)(i) The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires and allows.

(ii) Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris, and dead animals not intended for food.

(iii) The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors.

(iv) Excrement shall be removed from the primary enclosure facility as often as necessary to prevent contamination of the animals and to minimize hazard of disease and to reduce unseemly odors.

(v) The sanitary condition of the facility shall be monitored by the rehabilitator at least daily.

(vi) When the facility is cleaned by hosing, flushing or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam, or chemical substances or otherwise wetted involuntarily.

(d) A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent backup or accumulation.

(e) No animal shall be exposed to any human activity or environment which has a harmful effect upon the animal.

(f) Facilities shall not be constructed or maintained in proximity to any physical condition which may give rise to any health threat to the animal, including trash or garbage collection sites and pools of standing water. All persons caring for the animals shall maintain themselves in a sufficiently clean condition when dealing in or around the animal so as to minimize any threat to the health of the animal.

(g) All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life, or well being of any other animal in the same facility or enclosure.

(h) Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space and to allow each animal adequate freedom of movement to make normal postural and social adjustments. The facility area shall be large enough and constructed in such a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical need. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for such digging or burrowing activity. Animals which naturally climb shall be provided with safe and adequate climbing apparatus. Animals which naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.

(3) In addition to the standards set forth in this section:

(a) the division may require additional standards to adequately maintain the health and safety of the animals held and the individuals providing care for the animals; and

(b) facilities used for rehabilitation must meet applicable federal standards provided in 7 USC 2139-2159, Animal Welfare Act, and those regulations promulgated thereunder in 9 CFR Subchapter A, which are hereby incorporated by reference.

(4) Facilities may be inspected at any reasonable time by division representatives.

R657-40-16. Temporary Holding of The Taxa Not Listed on The Certificate of Registration.

The division may issue a temporary holding permit to a licensed rehabilitator to hold taxa of protected wildlife not specifically listed on the rehabilitator's certificate of registration provided:

(1) the rehabilitator has the facilities to hold the taxa of protected wildlife temporarily until the taxa are transported to a licensed rehabilitator for that taxa; and

(2) the temporary holding of the taxa must not exceed 72 hours.

KEY: wildlife, standards, rehabilitation
[April 15, 1996]2001

23-13-4
23-14-18
23-20-3



Natural Resources, Wildlife Resources
R657-42-6
Reallocation of Permits

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23533
FILED: 02/15/2001, 17:14
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R657-42-6 is being amended for clarification as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: Section R657-42-6 is being amended to clarify that the term "biological" will modify the term "unit." Other grammatical corrections are being made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-19-1 and 23-19-38

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** This amendment is for clarification only. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

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

❖**OTHER PERSONS:** This amendment is for clarification. Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment is for clarification. DWR determines that there are no additional compliance costs associated with these amendments.

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

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdrwr.dsundell@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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: John Kimball, Director



R657. Natural Resources, Wildlife Resources.
R657-42. Accepted Payment of Fees, Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits.
R657-42-6. Reallocation of Permits.

(1)(a) The division may reallocate surrendered limited entry, once-in-a-lifetime and Cooperative Wildlife Management Unit permits.

(b) The division shall not reallocate resident and nonresident big game general permits.

(2) Permits shall be reallocated through the Salt Lake Division office.

(3)(a) Any limited entry, once-in-a-lifetime or public Cooperative Wildlife Management Unit permit surrendered to the division shall be reallocated through the drawing process by contacting the next person listed on the alternate drawing list or as provided in Subsection (b).

(b) A person who is denied a permit due to an error in issuing permits [~~that person~~] may be placed on the alternate drawing list to address the error, if applicable, in accordance with the Division Error Policy.

(c) The alternate drawing lists are classified as private and therefore, protected under the Government Records Access Management Act.

(d) The division shall make a reasonable effort to contact the next person on the alternate list by telephone or mail.

(e) If the next person, who would have drawn the limited entry, once-in-a-lifetime or public Cooperative Wildlife Management Unit permit, does not accept the permit or the division is unable to contact that person, the reallocation process will continue until the division has reallocated the permit or the season opens for that permit.

(4) If the next person, who would have drawn the limited entry, once-in-a-lifetime or public Cooperative Wildlife Management Unit permit has obtained a permit, that person may be required to surrender the previously obtained permit in accordance with Section R657-42-4(2) and any other applicable rules and proclamations of the Wildlife Board.

(5) Any private Cooperative Wildlife Management Unit permit surrendered to the division will be reallocated by the landowner through a voucher, issued to the landowner by the division in accordance with Rule R657-37.

(6)(a) The division may allocate additional general deer permits and limited entry permits, if [~~biologically~~] it is consistent with [~~mit~~]the unit's biological objectives, to address errors in accordance with the Division Error Policy.

(b) The division shall not allocate additional Cooperative Wildlife Management Unit and Once-In-A-Lifetime permits.

(c) The division may extend deadlines to address errors in accordance with the Division Error Policy.

KEY: wildlife, permits
~~January 16,~~ April 3, 2001 **23-19-1**
 Notice of Continuation November 30, 2000 **23-19-38**

Workforce Services, Workforce Information and Payment Services

R994-406-304

Appeal Time Limitation for Decisions Which are Mailed

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 23525
 FILED: 02/14/2001, 14:43
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Department of Workforce Services cannot be certain its decisions will be delivered to the Post Office on the date they are issued. The addition of two extra days for mailing time will ensure claimants have adequate time in which to file an appeal.

SUMMARY OF THE RULE OR CHANGE: The change gives claimants an additional two days in which to appeal any Department decision.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 35A-4-406(2), 35A-4-406(3), 35A-4-406(4), and 35A-4-406(5)

ANTICIPATED COST OR SAVINGS TO:
 ❖THE STATE BUDGET: There are no costs or savings associated with this change because extending the deadline merely compensates for the delay in mailing caused when the Department of Workforce Services (DWS) moved to the state mail system.
 ❖LOCAL GOVERNMENTS: These rules do not apply to local government therefore, there are no costs or savings.
 ❖OTHER PERSONS: There are no costs or savings associated with this change because when DWS went to the state mail system it delayed receipt of notices from DWS. This prejudiced parties receiving time sensitive notices with short response times. This change merely corrects that problem for all parties.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this new change because all costs related to this change are included within existing budgets.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no impact on business as a result of these changes.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Workforce Services
 Workforce Information and Payment Services
 Second Floor

140 East 300 South
PO Box 45244
Salt Lake City, UT 84145-0244, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at (801) 526-9645, by FAX at (801) 526-9244, or by Internet E-mail at wsadmpo.spixton@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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/05/2001

AUTHORIZED BY: Robert Gross, Executive Director

R994. Workforce Services, Workforce Information and Payment Services.

R994-406. Appeal Procedures.

R994-406-304. Appeal Time Limitation for Decisions Which are Mailed.

If a decision issued by the Department is mailed, ~~three~~five days are added to the time prescribed by the Act for filing the appeal. Therefore, the amount of time permitted for filing an appeal from any decision that is mailed by the Department is ~~thirteen~~fifteen calendar days unless otherwise specified on the decision or by the Act.

KEY: appellate procedures, jurisdiction, overpayments, unemployment compensation

~~March 18, 1996~~2001 35A-4-406(2)

Notice of Continuation May 29, 1997 35A-4-406(3)

35A-4-406(4)

35A-4-406(5)



End of the Notices of Proposed Rules Section

Notices of Changes in Proposed Rules Begins on the Following Page

NOTICES OF CHANGES IN PROPOSED RULES

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 April 2, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through June 29, 2001, 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.

The Changes in Proposed Rules Begin on the Following Page.

Public Service Commission,
Administration
R746-352
Price Cap Regulation

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23232
FILED: 02/14/2001, 17:27
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 4-8b-2.4 requires the Commission to establish a price cap regulatory regime by which the prices for tariffed public telecommunications services will be set after a telephone corporation's last general rate case.

SUMMARY OF THE RULE OR CHANGE: The new rule was created to set up a price cap regulatory approach in order to set future prices for tariffed public telecommunications services offered by telecommunications corporations subject to the pricing regime of Section 54-8b-2.4. The rule established the methodology for calculating the indices that will be applicable to these tariffed services and describes the filings, procedural process and reporting requirements by which these indices will be set on an annual basis. The changes to the proposed new rule include: wording changes to Section R746-352-4 to clarify the process of determination of the X, Z, and Q factors; Section R746-352-5 to improve and clarify the language regarding service baskets; Section R746-352-6 to improve and clarify language regarding indexing, pricing rules and permitted rate adjustments; and Section R746-352-7 to improve and clarify language regarding index-based price cap and rate adjustments. Also a few additions and changes in Section R746-352-3 for correction or clarification of formulas.

(DAR Note: This change in proposed rule has been filed to make additional amendments to a proposed new rule that was published in the November 1, 2000, issue of the *Utah State Bulletin*, on page 26. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-2.4

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The state agency activities required by the proposed rule are a result of legislative changes in Utah's regulation of telecommunications companies from the 1995 Telecommunications Reform Act. Prior agency activities under the prior regulatory approach will be replaced with the activities under the new regulatory regime. It is anticipated

that there will be no additional costs or resulting savings to state agencies because of the change in regulatory regime. ❖LOCAL GOVERNMENTS: None--as local government activities are not affected by the proposed rule.

❖OTHER PERSONS: Telecommunications corporations subject to the rule, like the state regulatory agencies, will be replacing activities under the prior regulatory regime with similar activities required by the new regulatory regime. It is anticipated that there will be no net change in the costs or the creation of any savings as a result of the rule. Such changes occurred in 1997 when traditional rate-of-return regulation ended for such corporations operating in the State of Utah.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Commission is unable to quantify the costs for telecommunications corporations subject to the rule. The rule itself does not cause compliance costs, the 1995 statutory changes setting forth the regulatory approach to be applied is the cause of any compliance costs. The Commission estimates that the costs of complying with the new regulatory approach would not exceed the costs incurred in the prior regulatory approach. It is likely that the costs of the new approach, over time, will be less than the costs incurred under traditional rate-of-return regulation. However, neither the Commission nor the affected telecommunications corporation(s) subject to the rule have experience with the costs that would be incurred under Utah's new form of regulating the prices for tariffed public telecommunications services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Commission has attempted to promulgate a price cap rule that would be simple to formulate and apply in the future. It has incorporated factors required by statute in a manner which the Commission believes will reduce future disputes and litigation concerning measurement of the statutorily required index inputs. Because Utah has no experience with this type of regulatory approach for utility services, estimation of costs to be incurred has been difficult to formulate. The Commission does not anticipate that the costs would be greater than the costs incurred under the past rate-of-return regulation of prices for tariffed services.

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 04/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 04/03/2001

AUTHORIZED BY: Barbara Stroud, (designee) Paralegal

R746. Public Service Commission, Administration.

R746-352. Price Cap Regulation.

R746-352-1. Purpose.

This rule establishes a framework and procedures for price regulation under Subsection 54-8b-2.4(5)(a).

R746-352-2. Objectives of Price Cap Regulation.

A. Maximum Average Prices -- To alter maximum average prices for tariffed services based upon inflation, industry cost trends, and exogenous factors.

B. Price Protection -- Provide price protection to customers who lack competitive choices.

C. Movement of Price[d] -- Foster the movement of prices toward cost and the removal of subsidies in the existing price structure of telephone corporations so as to encourage competition for all telecommunications services.

D. Regulatory Burdens -- Minimize regulatory burdens by establishing a relatively simple, administratively efficient, and understandable regulatory system.

R746-352-3. Price Cap Adjustment Formula.

A. For Telephone Corporations Subject to Section 54-8b-2.4 -- For telephone corporations subject to Section 54-8b-2.4, the following price cap adjustment formula shall be used to obtain a Price Cap Index: the Price Cap Index for the current year, or $PCI_{(t)}$, shall equal the product of the following two values: the Price Cap Index of the previous year, or $PCI_{(t-1)}$, multiplied by one plus the sum of a measure of inflation, I, minus a productivity factor, X, plus or minus an exogenous factor, Z, minus a service quality adjustment factor, Q. $PCI_{(t)} = PCI_{(t-1)}$ multiplied by $(1 + (I - X + \pm Z - Q))$.

1. The Price Cap Index for the current year, $PCI_{(t)}$, shall be used as the 54-8b-2.4 price cap index, calculated annually, above which the weighted index of the average prices for the telephone corporation's services in a given price cap basket may not rise.

2. The inflation measure, I, equals a measure of economy-wide inflation rates the determination of which is described in R746-352-4(A).

3. The productivity factor, X, equals a productivity factor, or "X-factor," designed to capture the effects of changes in productivity and input prices for the telecommunications industry versus the respective changes in those elements for the economy as a whole, the determination of which is described in R746-352-4(B).

4. The exogenous factor, Z, equals potential adjustments to reflect or offset certain external or exogenous factors (positive and negative), the determination of which is described in R746-352-4(C).

5. The service quality factor, Q, equals potential adjustments to reflect the telephone corporation's service quality performance in accordance with standards set forth in R746-352-4(D), the determination of which is described in R746-352-4(D).

6. In determining the Price Cap Index, the values for I, X, Z, and Q shall be expressed in decimal, rather than direct percentage, form.

R746-352-4. Price Cap Adjustment Formula Components.

A. Inflation Measure, I -- The Inflation Measure, I, to be used for the price cap adjustment in a given year is the annual percentage change in the Chain-weighted GDP-PI as published by the United States Department of Commerce Bureau of Economic Analysis for the 12 month period ending September 30 of the previous calendar year.

B. Productivity Factor, X -- The Productivity Factor, X, shall measure the amount by which the change in local exchange carrier, or LEC, productivity differs from the change in productivity for the United States economy as a whole plus the amount by which the change in input prices for the United States economy as a whole differs from the change in LEC input prices.

1. The following formula shall be used to calculate the productivity factor: The value for X shall equal the sum of two values. The first value shall equal the difference between a minuend representing the percent change in historical total factor productivity of local exchange carriers less a subtrahend representing the percent change in historical total factor productivity of the entire United States economy. The second value shall equal the difference between a minuend representing the percent change in the historical input prices of goods and services used to produce output of the entire United States economy less a subtrahend representing the percent change in the historical input prices of goods and services used to produce output of local exchange carriers.

$X = (\% \text{Change TFP}_{\text{LEC}} - \% \text{Change TFP}_{\text{US}}) + (\% \text{Change IP}_{\text{US}} - \% \text{Change IP}_{\text{LEC}})$, where

TFP_{LEC} equals the historical total factor productivity of local exchange carriers.

TFP_{US} equals the historical total factor productivity of the entire United States economy.

IP_{LEC} equals the historical input prices of goods and services used to produce output of local exchange carriers.

IP_{US} equals the historical input prices of goods and services used to produce output of the entire United States economy.

2. The productivity factor to be used in calculating the maximum prices for tariffed public telecommunication services pursuant to Subsection 54-8b-2.4(5) shall be 6.2 percent for at least the first year in which the index is in effect. At the end of the first year, a change in the factor percentage shall be considered by the Commission upon a request for change in the productivity factor, X.

a. Notwithstanding the provisions of Paragraph B.1., parties may present and the Commission may, at its discretion, rely on other methods of determining X. Any party presenting an alternative method shall have the burden to demonstrate that the alternative method is a substantially equivalent measure of X. The alternative method of determining X shall be submitted to and approved by the Commission by December 31 of the prior year for it to be used in any year's April 15 Price Cap Compliance Filing, submitted by a telephone company pursuant to R746-352-7.

C. Exogenous Factor, Z -- The exogenous factor, Z, shall represent events whose cost or revenue consequences are of a material nature which would not otherwise be captured in the inflation measure, I, or the productivity factor, X, ~~and would not expect to be absorbed by a firm operating under, or responding to,~~

competitive market conditions]. One factor which the Commission may consider in evaluating whether to treat an event as exogenous is how comparable firms whose prices are not subject to regulatory control would or would not change their prices to reflect the event.

1. Exogenous events may include:

a. Any removal of subsidies in the existing price structure of the telephone corporation required by federal or state law or approved by the Commission;

b. The impact of alteration in asset lives to better reflect changes in the economic lives of plant and equipment approved by the Commission consistent with Section 54-7-12.1;

c. Commission approved or adopted changes based upon changes in rules of the Federal Communications Commission, including rules with regard to the separation of interstate and intrastate revenues, expenses, or investments;

d. Changes in tax rates applied to the telephone corporation;

e. Any other change external to the business operations of the telephone corporation resulting from: (a) accounting rules adopted by the Financial Accounting Standards Board and approved by the Commission; or (b) laws or rules enacted or adopted by a governmental entity having jurisdiction; and

f. Any other extraordinary events not reasonably foreseeable as of April 30, 1997.

2. The Z factor shall be calculated as the financial impact of the event(s) on intrastate tariffed services divided by intrastate revenues from tariffed services. The financial impact shall be net of any effects on costs or revenues that are incorporated in the inflation measure, I, or productivity factor, X.

3. In the interest of rate rebalancing so as to move prices towards cost and eliminate subsidies, the Commission may direct that the incremental value(s) of Z for one or more baskets may be positive while the offsetting incremental value(s) of Z for the other baskets may be negative.

D. Service Quality Factor, Q -- The service quality factor, Q shall set a value to reflect the telephone corporation's service quality.

1. A service quality measure shall be established using two installation wire center standards, three repair wire center standards, and one statewide held order standard. Performance against the standards shall be measured monthly.

2. The six standards are as follows:

a. Meet at least 90 percent of installation appointments, excluding customer trouble reports within seven days of initial installation, on a wire center basis.

b. Install at least 90 percent of all new, transfer, and change orders within three business days or on the customer-requested due dates, whichever is later, on a wire center basis. After December 31, 2000, install 95 percent within three business days or on the customer-requested due dates, whichever is later, on a wire center basis.

c. Allow no more than five held orders per 1000 new, transfer, and change orders on a statewide basis. After December 31, 2001, allow no more than four held orders per 1000 new, transfer, and change orders on a statewide basis.

d. Repair at least 80 percent of all out-of-service troubles within one business day on a wire center basis. After December 31, 2000, repair 85 percent of all out of service troubles within one business day on a wire center basis.

e. Repair at least 90 percent of all troubles within two business days on a wire center basis.

f. Meet at least 90 percent of repair commitments on a wire center basis.

3. The service quality factor, Q, for the current year shall be calculated ~~[by subtracting the previous year's service quality measure from the current year's service quality measure.]~~ as follows:

a. The service quality measure for a year shall be determined by summing the service failure values occurring during the year. Missing a standard for any four consecutive months constitutes a service failure.

b. Each service failure of a wire center standard shall be given a value of 0.0002 for each wire center in which a service failure occurs.

c. Each service failure of the statewide held order standard shall be given a value of .002.

4. Limitations on service quality factor adjustments.

a. Inadequate service quality results during the first year that a service quality factor adjustment is made may produce a Q-factor value of no more than an initial, threshold value of 0.0[6]5. However, upon request of an interested person, the Commission may determine that service quality failures warrant an additional service quality adjustment, up to the full service quality adjustment dictated by the service failures occurring during the year.

b. If the number of service failures during any year causes the ~~[Commission to determine that the additional service quality adjustment is warranted, the adjustment threshold]~~ initial Q-factor threshold in that year to be achieved, then the Commission shall have the discretion to increase the initial threshold value for the subsequent year [will be increased] by the value of 0.0[6]5 or multiple thereof. The Commission may, after improved service quality and subsequent to a petition and order thereon, reduce the Q-factor initial threshold value to be used thereafter by the affected telephone company by a value of 0.05 or multiple thereof.

c. The service quality factor, Q, shall begin being applied in the year 2002 price cap adjustment, based on 2001 service quality data.

5. Exemptions to Service Quality Standards.

a. Exemptions to service quality standards shall be granted for events that the telephone corporation substantiates were beyond its control. It shall be the telephone corporation's responsibility to separately document the cause, the duration and the magnitude of those occurrences.

b. Exemptions are defined as events wherein the telecommunications corporation proves it was unable to meet service standards because of:

(1) A customer's act;

(2) A customer's failure to act;

(3) A government agency's delay in granting a right of way or other required permit;

(4) A disaster or an act of nature that would not normally have been anticipated and prepared for by the telecommunications corporation;

(5) In the case of a work stoppage, the telephone corporation shall have a grace period of six weeks following return to work to comply with service quality standards;

(6) Any disaster or event of sufficient intensity to give rise to an emergency being declared by state government;

(7) A cable cut outside the telephone corporation's control affecting more than 20 pairs; and

(8) A public calling event, busy calling or dial tone loss due to mass calling or dial-up event.

c. A telephone corporation may petition the Commission for longer installation and repair interval standards in wire centers serving ~~large~~remote geographic areas with relatively few customers.

R746-352-5. Service Baskets.

A. Service Baskets -- The telephone corporation's tariffed services having similar characteristics shall be grouped in the following four baskets. These baskets are designed to allow development of different price indices for different groups of services, to limit an incumbent telephone corporation's ability to shift cost recovery from one major customer or service class to another, and to afford the company a reasonable amount of flexibility to adjust its prices to respond to changing market conditions. As used in this rule, "service" may include service or individual rate elements. They are:

1. Basket 1: Tariffed Residential Basic Exchange Services, Residential Extended Area Service (EAS), Caller ID Blocking, and per Call Blocking. Residential Basic Exchange Services consist of local access services and local usage services.

2. Basket 2: Tariffed business exchange services, consisting of ~~flat and measured-rate~~ business exchange access lines, flat and measured local usage, PBX trunks, hunting, Direct Inward Dialing (DID), and EAS associated with the foregoing business se

3. Basket 3: Tariffed intrastate switched access services.

4. Basket 4: All tariffed services that have not otherwise been placed into Baskets 1, 2, or 3.

R746-352-6. Indexing, Pricing Rules and Permitted Rate Adjustments.

A. Index-Based Price Cap Adjustment -- A Price Cap Index, PCI, and an Actual Price Index, API, shall apply separately to each of the four Baskets, unless otherwise ordered by the Co

B. Base Year for Calculating Beginning of Price Regulation -- The base year is the year from which indexing begins, such as the year at which both the Price Cap Index and the Actual Price Index are initialized at a value of 100.

1. The base year for which the Price Cap Index and Actual Price Index will be valued at 100 is 199~~9~~8. The first year's application of the index-based price cap adjustments shall properly reflect the cumulative values for I, the inflation measure, and X, the productivity factor resulting from the rule's selected base year.

C. Re-initializing the Price Index to Eliminate the Prior Year's Service Quality Adjustment. -- Before calculating the price index for a new year, the previous year's PCI shall be elevated by the amount that it had been depressed, if at all, by that year's service quality adjustment.

D. Adjustment When a Basket Contains Services Priced Below the Price Floor Established in Section 54-8b-3.3(3). -- Where a price change for a service cannot be made, in whole or in part, because the full application of the calculated PCI to be applied to the service would result in the service's resulting price being below the price floor set in Section 54-8b-3.3(3), the Commission shall determine how the price reduction otherwise applicable to that service, in whole or part, shall be incorporated in the price changes

for other services of the same Basket, services of other Baskets or otherwise accounted for to reflect the complete effect of the Index-based Price Cap Adjustments required by the year's Price Cap Compliance Filing. The telephone company and interested persons shall include their recommendations on the adjustments they propose in their filings submitted pursuant to R746-352-7.

E. Actual Price Index -- The Actual Price Index, API, is a means to permit comparison of the telephone corporation's price levels to the PCI, by expressing actual prices in terms of indexed values. An API shall be calculated for each Basket on the basis of the revenue-weighted average change in the telephone corporation's prices for all services included in that Basket between the current year, period t, and the previous year, period (t-1). The API is an index of the telephone corporation's actual prices and thus may reflect additional rate decreases or foregone rate increases voluntarily made by the telephone corporation over time. As actual prices change, the API will be changed to reflect upward and downward price movements.

~~[I. In general, in each basket, the telephone corporation must adjust actual prices so that the API is less than or equal to the PCI. However, if a basket contains services priced below the price floor established in Subsection 54-8b-3.3(3), the telephone corporation must adjust actual prices so that:~~

~~— a. If $PCI_{(t)}$ is greater than or equal to both $PCI_{(t-1)}$ and 100, then $API_{(t)}$ must be less than or equal to $PCI_{(t)}$, or~~

~~— b. If $PCI_{(t)}$ is less than either $PCI_{(t-1)}$ or 100, then $API_{(t)}$ must be less than or equal to an Adjusted PCI for the current year, $Adj PCI_{(t)}$. The Adjusted PCI shall be calculated as the product of the PCI for the previous year, $PCI_{(t-1)}$, multiplied by the sum of one plus the following value: the product of the sum of the Inflation measure minus the productivity factor plus or minus the exogenous factor minus the service quality factor, which sum is multiplied by an Adjustment factor, $A_{(t)}$, for baskets containing services priced at or below cost pursuant to Subsection 54-8b-2.4(5)(c). $Adj PCI_{(t)} = PCI_{(t-1)}$ multiplied by $(1 + ((I - X + Z - Q) \text{ times } A_{(t)}))$ in the first instance where $PCI_{(t)}$ is less than $PCI_{(t-1)}$ and where $Adj PCI_{(t)} = Adj PCI_{(t-1)}$ times $(1 + ((I - X + Z - Q) \text{ times } A_{(t)}))$ in subsequent instances. The Adjustment factor, $A_{(t)}$, equals the ratio of the revenues associated with services priced above cost divided by the total basket revenue. $A_{(t)}$ equals 1 if all services in the basket are priced above cost.~~

~~— D]E. Limitations on Service Basket Indices and Individual Service Prices --~~

~~1. The Actual Price Index, API, for each service basket cannot exceed the PCI [or Adjusted PCI] applicable to the service basket.~~

~~2. The prices of individual services within a service basket are subject to the following limitations:~~

~~a. Unless otherwise approved by the Commission, [for rates rebalancing purposes,] the price for any service [for any individual service rate element] in any basket may not be increased in any one year by more than the net of the PCI for that year plus [five]ten percent [in the case of services in Basket 1, 2 and 3, and plus ten percent in the case of services in Basket 4].~~

~~b. Apart from increases which occur in conjunction with Commission-approved rate rebalancing[;] where there are offsetting rate reductions, or absent a superceding public interest determination, services for which a price reduction would be contrary to 54-8b-2.4(5)(c) may have their prices elevated~~

cumulatively only to the degree that the price cap indices associated with their respective services' baskets exceed 100.

c. The tariff price of each service must remain above its price floor in accordance with 54-8b-3.3(3).

d. Provided that these pricing limitations are met, the telephone corporation may adjust the prices for services in any basket in conjunction with the Annual Price Cap Compliance Filing, or at any other time. Price changes proposed by the telephone corporation shall be filed with the Commission at least thirty (30) days prior to their proposed effective date and shall be accompanied with supporting information showing that the proposed price changes are in compliance with this rule and any statutory limitations.

3. Rate Rebalancing.

a. The Commission may, as consistent with the public interest, direct that the telephone corporation rebalance rates, or the telephone corporation may petition for the authority to rebalance rates. That rebalancing, which would be separate from the impacts of any required price-indexed-based rate adjustments, must be revenue-neutral, assuming no sales quantity changes and may be accomplished both within and across service baskets. Once implemented, the telephone corporation may then rely on the Commission approved rebalanced rates as its effective rates for its Annual Price Cap Compliance filing and any subsequent proposed rate changes.

b. In addition to the preceding rate rebalancings, the Commission may direct the telephone corporation to make revenue-neutral adjustments to rates in Basket 3 services, with offsetting adjustments to the PCI's in other baskets as required, to be consistent with interstate policy as set by the Federal Communications Commission, to the extent that the Commission determines such consistency is in the public interest.

4. Notwithstanding the above, all tariff changes will be subject to the approval of the Commission pursuant to 54-3-2 and 54-3-3.

R746-352-7. Price Cap Adjustments, Indices and Other Filings.

A. Index-based Price Cap and Rate Adjustments -- By ~~May 1~~ ~~April 15~~ of each year, the telephone corporation shall make a Price Cap Compliance Filing with the Commission. ~~The Commission shall approve, suspend, or reject the Price Cap Compliance Filing within 45 days of that filing.~~ Interested persons shall have ~~45~~ 30 days from the filing date to file comments based upon a review of the telephone corporation's filing to determine whether the corporation's proposed updated price cap indices, measures, supporting evidence and any proposed rate changes are consistent with this rule. ~~Written comments on the filing shall be filed within 15 days of the telephone corporation's filing or May 16 whichever is later. The Commission will approve or reject the Price Cap Compliance Filing within seven days of the written comments or May 23 whichever is later.~~ Any rate changes proposed with the Price Cap Compliance Filing shall be reviewed and ~~may~~ will become effective on July 1, unless the Commission approves an ~~earlier~~ achievable, different effective date. The Price Cap Compliance Filing will include at a minimum:

1. Data showing the Chain-weighted GDP-PI for the preceding twelve months ended September 30 and the Chain-weighted GDP-PI percentage change for that twelve-month period;

2. Calculations of the PCI updated as required for any new X-factor and any inflation I-measure adjustments to reflect the

percentage change in the Chain-weighted GDP-PI, any exogenous Z-factor adjustments that have been expressly approved by the Commission by December 31 of the preceding year pursuant to paragraph B below, and any service quality Q-factor adjustments, together with updated API calculations;

a. For each basket, the incumbent telephone corporation must show a complete price-out using the end-of-year quantities or sales levels of services in the basket. The price-out will sum the quantities multiplied by existing prices and proposed prices for each tariffed service, to obtain the total existing revenues and proposed revenues for tariffed services.

3. Tariff pages to reflect any proposed changes in tariff rates;

4. Schedules showing the changes in the tariffed rates;

B. Filings to Support Proposed Exogenous Adjustments -- The telephone corporation and any interested person may file any proposed Z-factor treatment of an exogenous event within 90 days of the date on which the effects of that event are known and measurable. The Commission shall review such filings and issue a written decision accepting or rejecting the proposed Z-factor adjustment and associated value for use in conjunction with this rule within 60 days of the filing. The telephone corporation may request assigning the financial impact of the exogenous adjustment to specific baskets.

1. As a part of its filing, the moving party or parties will submit the following:

a. A description of the matter proposed for treatment as an exogenous event and a demonstration that it satisfies the definition of an exogenous event set forth in R746-352-4(C); and

b. Data that describes and quantifies the estimated financial impact to the intrastate tariffed services of the telephone corporation;

C. Exogenous Factors -- Exogenous factors that have been submitted to the Commission and approved by December 31 of each year will be aggregated and included in the price cap filing on May 1 of the following year. Exogenous factors shall be exclusive of any adjustments already incorporated in the Chain-weighted GDP-PI or the X factor.

~~D. Filings to Implement a Rate Rebalancing Program -- During any year in which rates are adjusted pursuant to a Commission initiated rate rebalancing or Commission-approved telephone corporation initiated rate rebalancing, the telephone corporation's May 1 Price Cap Compliance Filing, shall show compliance with R746-352-6 must include calculations of the rate and revenue adjustments caused by the rate rebalancing occurring in that year.~~

~~E. Compliance Filing Requirements - Below-Cap Rate Changes --~~ The telephone corporation may adjust its rates at any time during the year, through a "below-cap" compliance filing. In this type of filing, the telephone corporation must demonstrate that its cumulative proposed rate changes will still satisfy the prevailing basket-specific PCIs for that year, in addition to all other requirements or limitations of this rule. In order to satisfy this requirement, the telephone corporation must submit the following to the Commission:

1. Service Baskets. The telephone corporation must provide a calculation of the actual price cap index, API, for each basket. For each price basket, the telephone corporation must show the price-out described in R746-352-7(A)(2)(a) above.

2. Demonstration of Compliance with R746-352. The telephone corporation must show that the proposed rate changes will comply with the provisions set forth in R746-352-6 and 7.

3. Tariff Pages to Reflect Revised Rates in Each of the Service Baskets. The telephone corporation must provide copies of the affected tariff pages that will reflect the proposed revised rates in each of the service baskets.

4. Description of Proposed Changes to Rates in Each Rate Filing. Additionally, the telephone corporation must provide a brief narrative description that summarizes its proposed rate changes.

KEY: price indexes, public utilities, telecommunications

~~2000~~2001

54-8b-2.4

54-8b-3.3

54-3-2

54-3-3

54-7-12



End of the Notices of Changes in Proposed Rules Section

**Five-Year Notices of Review and Statements of Continuation
Begin on the Following Page**

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Administrative Services, Fleet Operations **R27-2** Fleet Operations Adjudicative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23522
FILED: 02/08/2001, 12:31
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-46b-4 requires that the Division of Fleet Operations (DFO) maintain a rule concerning adjudicative proceedings. This rule is helpful to our customers and the general public when requesting a hearing.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: To my knowledge there have been no comments made on or about this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As a Division of the State of Utah, we are required to have a rule in place covering adjudicative proceedings.

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

Administrative Services
Fleet Operations
4120 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Alison Taylor at the above address, by phone at (801) 538-3306, by FAX at (801) 538-1773, or Internet E-mail at ataylor@fo.state.ut.us.

AUTHORIZED BY: Steve Saltzgeber, Director

EFFECTIVE: 02/08/2001

Administrative Services, Fleet Operations, Surplus Property **R28-2** Surplus Firearms

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23523
FILED: 02/08/2001, 12:31
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 63A, Chapter 9, Part 8 requires that the Division of Fleet Operations create rules covering the sale and disposal of surplus state firearms. This rule is used as a reference for several State, Federal, and local government agencies as well as the general public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been questions regarding the procedures involved in purchasing an assigned side arm when retiring from Public Safety.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Fleet Operations is required to maintain rules regarding the disposal and sale of State surplus property, including firearms. Changes will be made within the rule to explain the procedures more clearly in the future.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Administrative Services
Fleet Operations, Surplus Property
4120 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Alison Taylor at the above address, by phone at (801) 538-3306, by FAX at (801) 538-1773, or Internet E-mail at ataylor@fo.state.ut.us.

AUTHORIZED BY: Steve Saltzgeber, Director

EFFECTIVE: 02/08/2001

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

Corrections
Administration
Suite 304
6100 South Fashion Blvd.
Murray, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

AUTHORIZED BY: Mike Chabries, Executive Director

EFFECTIVE: 02/05/2001



Corrections, Administration
R251-301

Employment, Education or Vocational
Training for Community Correctional
Center Residents

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

DAR FILE NO.: 23512
FILED: 02/05/2001, 07:02
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 64-13-10 requires the Department to provide programs and community correctional centers as required to accomplish its purposes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no written comments received regarding the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to inform employers of the requirements for employment and supervision of offenders.

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

Corrections
Administration
Suite 304

Corrections, Administration
R251-102

Release of Communicable Disease
Information

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

DAR FILE NO.: 23511
FILED: 02/05/2001, 07:02
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 64-13-36(3)(a) requires the Department to develop a rule that designates the persons allowed to access records in an inmate's medical file.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no written comments received regarding the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is needed in order to inform the public regarding the access to records in an inmate's medical file.

6100 South Fashion Blvd.
Murray, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or Internet E-mail at crdeptdo.crdeptdo.pelliott@email.state.ut.us.

AUTHORIZED BY: Mike Chabries, Executive Director

EFFECTIVE: 02/05/2001

established by Section 59-1-101. Consequently, this rule is required to establish the appropriate assessment rate.

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

Labor Commission
Industrial Accidents
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146610
Salt Lake City, UT 84114-6610, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or Internet E-mail at icmain.jsewell@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 02/08/2001

**Labor Commission, Industrial
Accidents
R612-4
Premium Rates**

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

DAR FILE NO.: 23520
FILED: 02/08/2001, 08:20
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Part 7 of the Utah Workers' Compensation Act (Title 34A, Chapter 2) establishes the Employers' Reinsurance Fund, the Uninsured Employers' Fund, and the Restricted Safety Account. Pursuant to Section 59-9-101, these three funds are financed by assessments against workers' compensation premiums and a similar assessment against self-insured employers' imputed premiums. Subsection 59-9-101(2)(c) authorizes the Commission to establish the specific assessment rate, within parameters established by Subsection 59-9-101(c) and Section 59-101.1.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review, the Commission has not received any written comments supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Various provisions of the Workers' Compensation Act establish the liabilities of the Employers' Reinsurance Fund and Uninsured Employers' Fund, and the purposes of the Restricted Safety Account. As these programs remain in effect, it is necessary to continue their funding by levying the premium assessment

**Natural Resources, Wildlife Resources
R657-39
Regional Advisory Councils**

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

DAR FILE NO.: 23529
FILED: 02/15/2001, 17:14
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 23-14-2.6 and 23-14-19, the Wildlife Board is authorized and required to provide rules to regulate the standards and procedures for the operation of the Regional Advisory Councils.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have not received any written comments, either in support or opposition to Rule R657-39, Regional Advisory Councils. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes and administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-39 provides the procedures and standards for the operation of

Regional Advisory Councils. The provisions adopted in this rule are effective in providing the procedures and standards for the operation of Regional Advisory Councils. Continuation of this rule is necessary for continued success of this program.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at nrdwr.dsundell@email.state.ut.us.

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 02/15/2001

Regional Advisory Council minutes, Wildlife Board minutes and administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-40 provides the procedures, standards, and requirements for possessing protected wildlife in captivity for rehabilitation purposes by trained and educated individuals as a public service for the benefit of Utah's wildlife resources. The provisions adopted in this rule are effective in providing the standards and requirements for providing this service. Continuation of this rule is necessary for continued success of this program.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at nrdwr.dsundell@email.state.ut.us.

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 02/15/2001



Natural Resources, Wildlife Resources **R657-40** Wildlife Rehabilitation

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23531
FILED: 02/15/2001, 17:14
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 23-13-4, 23-14-18, and 23-20-3, the Wildlife Board is authorized and required to provide rules to regulate and prescribe the means by which protected wildlife may be held in captivity for rehabilitation purposes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have not received any written comments, either in support or opposition to Rule R657-40, Wildlife Rehabilitation. Any written comments received in opposition to this rule would be resolved using existing policies and procedures or the issue would be placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the annual process for taking public input. The public is welcome to view the

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



NOTICES OF RULE EFFECTIVE DATES

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

Abbreviations

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

Commerce

Occupational and Professional Licensing

No. 23141 (CPR): R156-69. Dentist and Dental Hygienist Practice Act Rules.
Published: January 15, 2001
Effective: February 15, 2001

No. 23390 (AMD): R156-73. Chiropractic Physician Practice Act Rules.
Published: January 15, 2001
Effective: February 15, 2001

Real Estate

No. 23321 (AMD): R162-102. Application Procedures.
Published: December 1, 2000
Effective: February 7, 2001

Community and Economic Development

Community Development, Library

No. 23352 (NEW): R223-2. Public Library Online Access for Eligibility to Receive Public Funds.
Published: December 15, 2000
Effective: February 15, 2001

Health

Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health

No. 23303 (AMD): R388-804. Special Measures for the Control of Tuberculosis.
Published: December 1, 2000
Effective: February 2, 2001

Human Services

Recovery Services

No. 23389 (AMD): R527-928. Lost Checks.
Published: January 15, 2001
Effective: February 15, 2001

Insurance

Administration

No. 23378 (NEW): R590-204. Adoption Indemnity Benefit.
Published: January 1, 2001
Effective: February 9, 2001

Natural Resources

Wildlife Resources

No. 23393 (AMD): R657-33. Taking Bear.
Published: January 15, 2001
Effective: February 15, 2001

Public Service Commission

Administration

No. 23353 (AMD): R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities.
Published: December 15, 2000
Effective: February 15, 2001

No. 23354 (AMD): R746-240. Telecommunication Service Rules.
Published: December 15, 2000
Effective: February 15, 2001

No. 23271 (AMD): R746-360. Universal Public Telecommunications Service Support Fund.
Published: November 15, 2000
Effective: February 15, 2001

Transportation

Operations, Maintenance

No. 23379 (AMD): R918-3. Snow Removal.
Published: January 1, 2001
Effective: February 15, 2001

The Rules Index Begins on the Following Page

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, 2001, including notices of effective date received through February 15, 2001, the effective dates of which are no later than March 1, 2001. 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
ADMINISTRATIVE SERVICES					
<u>Finance</u>					
R25-14	Payment of Attorneys Fees in Death Penalty Cases	23366	AMD	01/22/2001	2000-24/5
<u>Fleet Operations</u>					
R27-2	Fleet Operations Adjudicative Proceedings	23522	5YR	02/08/2001	2001-5/39
R27-7	Safety and Loss Prevention of State Vehicles	23345	NEW	01/31/2001	2000-24/6
<u>Fleet Operations, Surplus Property</u>					
R28-2	Surplus Firearms	23523	5YR	02/08/2001	2001-5/39
AGRICULTURE AND FOOD					
<u>Animal Industry</u>					
R58-10	Meat and Poultry Inspection	23306	AMD	01/03/2001	2000-23/9

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Chemistry Laboratory</u>					
R63-1	Fee Schedule	23404	5YR	01/10/2001	2001-3/94
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	23434	5YR	01/16/2001	2001-3/94
R68-2	Utah Commercial Feed Act Governing Feed	23435	5YR	01/16/2001	2001-3/95
R68-6	Utah Nursery Act	23436	5YR	01/16/2001	2001-3/95
R68-10	Quarantine Pertaining to the European Corn Borer	23437	5YR	01/16/2001	2001-3/96
R68-12	Quarantine Pertaining to Mint Wilt	23438	5YR	01/16/2001	2001-3/96
<u>Regulatory Services</u>					
R70-610	Uniform Retail Wheat Standards of Identity	23430	5YR	01/16/2001	2001-3/96
R70-620	Enrichment of Flour and Cereal Products	23432	5YR	01/16/2001	2001-3/97
COMMERCE					
<u>Consumer Protection</u>					
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23457	5YR	01/29/2001	2001-4/61
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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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The *Rules Register* is the official record of receipt of all administrative rules and rule changes filed with the Division and is always available for inspection at the Division.

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23372	12/04/2000 08:35	R. Lee Ellerton	Labor Commission, Occupational Safety and Health	Proposed Rule (Amendment)- Incorporation of Federal Standards	2	R614-1-4	01/01/2001	02/01/2001
23373	12/04/2000 16:27	Robert N. White	Career Service Review Board, Administration	Nonsubstantive Change-Grievance Procedure Rules	15	R137-1	Not Printed	12/27/2000
23374	12/05/2000 10:53	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Electricians Licensing Rules	2	R156-55b	01/01/2001	
23375	12/05/2000 10:53	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Definitions	2	R156-55c-102	01/01/2001	
23376	12/06/2000 16:37	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Lifeline Rule	3	R746-341	01/01/2001	
23377	12/08/2000 17:27	Michael Glenn	Community and Economic Development, Community Development, Energy Services	Proposed Rule (Amendment)-Utah Clean Fuels Grant and Loan Program	5	R203-1	01/01/2001	see CPR Feb. 15, '01 Bulletin
23378	12/12/2000 14:20	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Adoption Indemnity Benefit	2	R590-204	01/01/2001	02/09/2001
23379	12/14/2000 06:47	Thomas R. Warne	Transportation, Operations, Maintenance	Proposed Rule (Amendment)- Snow Removal	3	R918-3	01/01/2001	02/15/2001
23380	12/14/2000 15:19	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Assisted Living Facilities	14	R432-270	01/01/2001	
23381	12/14/2000 19:31	Carol B. Lear	Education, Administration	Five-Year Review-Rulemaking Policy	1	R277-100	01/01/2001	12/14/2000
23382	12/14/2000 19:31	Carol B. Lear	Education, Administration	Five-Year Review-Education for Homeless and Emancipated Students and State Funding for Homeless and Economically Disadvantaged Ethnic Minority Students	1	R277-616	01/01/2001	12/14/2000
23383	12/14/2000 19:31	Carol B. Lear	Education, Administration	Five-Year Review-Educational Programs for Gifted and Talented Students	1	R277-711	01/01/2001	12/14/2000
23384	12/15/2000 10:11	Jilene Whitby	Insurance, Administration	Five-Year Review-Basic Health Care Plan Rule	1	R590-175	01/01/2001	12/15/2000
23385	12/15/2000 11:10	Ronald W. Daniels	Natural Resources: Oil, Gas and Mining: Coal	Proposed Rule (Amendment)-Definitions	2	R645-100-200	01/01/2001	
23386	12/15/2000 11:10	Ronald W. Daniels	Natural Resources: Oil, Gas and Mining: Coal	Proposed Rule (Amendment)-Engineering	4	R645-301-500	01/01/2001	
23387	12/15/2000 11:10	Ronald W. Daniels	Natural Resources: Oil, Gas and Mining: Coal	Proposed Rule (Amendment)-Hydrology	2	R645-301-700	01/01/2001	

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23388	12/15/2000 13:06	Carol B. Lear	Education, Administration	Nonsubstantive Change-Education for Homeless and Emancipated Students and State Funding for Homeless and Economically Disadvantaged Ethnic Minority Students	4	R277-616	Not Printed	12/27/2000
23223	12/15/2000 14:27	R. Lee Ellertson	Labor Commission, Industrial Accidents	Change in Proposed Rule-Permanent Total Disability	3	R612-1-10	01/01/2001	

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23389	12/19/2000 15:23	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Lost Checks	2	R527-928	01/15/2001	02/15/2001
23390	12/21/2000 08:34	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Chiropactic Physician Practice Act Rules	2	R156-73	01/15/2001	02/15/2001
23141	12/21/2000 08:46	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Dentist and Dental Hygienist Practice Act Rules	3	R156-69	01/15/2001	02/15/2001
23391	12/22/2000 13:01	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Nursing Service	1	R414-40	01/15/2001	12/22/2000
23392	12/22/2000 13:01	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Audiology-Hearing Services	1	R414-59	01/15/2001	12/22/2000
23393	12/28/2000 11:42	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Taking Bear	4	R657-33	01/15/2001	02/15/2001
23394	12/29/2000 09:22	Kevin W. Brown	Environmental Quality, Drinking Water	Proposed Rule (Amendment)-Facility Design and Operation: Miscellaneous Treatment Methods	5	R309-208 (Changed to R309-535)	01/15/2001	
23395	01/02/2001 13:01	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	5	R884-24P-62	01/15/2001	

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23396	01/03/2001 12:37	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	120-Day (Emergency) Rule-Coverage Groups	3	R414-303	02/01/2001	01/03/2001 for 120 days

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23398	01/03/2001 12: 37	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	120-Day (Emergency) Rule-Resources	3	R414-305	02/01/2001	01/03/2001 for 120 days
23399	01/08/2001 11: 04	Cary G. Peterson	Agriculture and Food, Plant Industry	Five-Year Review-Utah Commercial Feed Act Governing Feed (see DAR No. 23435)		R68-2		Withdrawn by Agency 01/17/2001
23400	01/08/2001 11: 08	Mike Chabries	Corrections, Administration	Proposed Rule (Amendment)-Employment, Educational or Vocational Training for Community Correctional Center Residents	2	R251-301	02/01/2001	
23401	01/08/2001 16: 05	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Unprofessional Conduct	3	R156-37-502	Not Printed	
23402	01/10/2001 09: 31	David A. Beach	Public Safety, Driver License	Proposed Rule (Amendment)-Driver License Point System Administration	2	R708-3	02/01/2001	
23403	01/10/2001 12: 05	Pam Hendrickson	Tax Commission, Administration	Proposed Rule (Amendment)-Signatures Defined Pursuant to Utah Code Ann. Sections 41-a-209, 59-10-512, and 59-12-107	2	R861-1A-36	02/01/2001	
23404	01/10/2001 12: 35	Cary G. Peterson	Agriculture and Food, Chemistry Laboratory	Five-Year Review-Fee Schedule	1	R63-1	02/01/2001	01/10/2001
23405	01/10/2001 12: 35	Cary G. Peterson	Agriculture and Food, Chemistry Laboratory	Proposed Rule (Amendment)-Fee Schedule	2	R63-1	02/01/2001	
23406	01/11/2001 09: 07	Reta D. Oram	Human Services, Administration, Administrative Services, Licensing	Nonsubstantive Change-Outdoor Youth Programs	8	R501-8	Not Printed	
23260	01/11/2001 10: 27	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Cosmetologist/Barber Licensing Act Rules	2	R156-11a	02/01/2001	
23309	01/11/2001 10: 27	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Veterinary Practice Act Rules	2	R156-28	02/01/2001	
23139	01/11/2001 12: 26	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Emission Standards: Smoke Management	3	R307-204	02/01/2001	
23407	01/11/2001 12: 28	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Initial Proceedings	2	R307-103-2	02/01/2001	
23408	01/11/2001 15: 26	John Harja	Governor, Planning and Budget	Five-Year Review-Rule for Implementation of the Resource Development Coordinating Committee Act, 1981	1	R361-1	02/01/2001	01/11/2001

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23409	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Utah Hazardous Waste Definitions and References	3	R315-1	02/01/2001	
23410	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-General Requirements-Identification and Listing of Hazardous Waste	7	R315-2	02/01/2001	
23411	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	9	R315-3	02/01/2001	
23412	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Pre-Transport Requirements	2	R315-5-3	02/01/2001	
23413	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	6	R315-7	02/01/2001	
23414	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	5	R315-8	02/01/2001	
23415	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Land Disposal Restrictions	2	R315-13-1	02/01/2001	
23416	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Hazardous Waste Burned in Boilers and Industrial Furnaces	2	R315-14-7	02/01/2001	
23417	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Standards for Universal Waste Management	9	R315-16	02/01/2001	
23418	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Appendices	2	R315-50	02/01/2001	
23419	01/12/2001 09:14	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Public Participation	2	R315-101-7	02/01/2001	
23420	01/16/2001 09:42	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Coverage Groups	4	R414-303	02/01/2001	
23421	01/16/2001 09:42	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Income and Budgeting	5	R414-304	02/01/2001	
23422	01/16/2001 09:42	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Resources	3	R414-305	02/01/2001	

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23423	01/16/2001 11:09	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Definitions as Used in These Rules	2	R651-601	02/01/2001	
23424	01/16/2001 11:09	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Events Prohibited Without Permit	1	R651-608-2	02/01/2001	
23425	01/16/2001 11:34	Karl Kappe	Natural Resources: Forestry, Fire and State Lands	Proposed Rule (Amendment)-Wild and Fire Suppression Fund	4	R652-121	02/01/2001	
23426	01/16/2001 12:06	Carol B. Lear	Education, Administration	Proposed Rule (Amendment) - Textbook Commission Operating Procedures	5	R277-469	02/01/2001	
23427	01/16/2001 12:06	Carol B. Lear	Professional Practices Advisory Commission, Administration	Proposed Rule (Amendment)-Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	9	R686-100	02/01/2001	
23428	01/16/2001 12:47	Cary G. Peterson	Agriculture and Food, Regulatory Services	Proposed Rule (Repeal) -Chickens	2	R70-420	02/01/2001	
23429	01/16/2001 12:47	Cary G. Peterson	Agriculture and Food, Regulatory Services	Proposed Rule (Repeal) -Turkeys	2	R70-430	02/01/2001	
23430	01/16/2001 15:03	Cary G. Peterson	Agriculture and Food, Regulatory Services	Five-Year Review-Uniform Retail Wheat Standards of Identity	1	R70-610	02/01/2001	01/16/2001
23431	01/16/2001 15:03	Cary G. Peterson	Agriculture and Food, Regulatory Services	Nonsubstantive Change-Uniform Retail Wheat Standards of Identity	4	R70-610	Not Printed	
23432	01/16/2001 15:03	Cary G. Peterson	Agriculture and Food, Regulatory Services	Five-Year Review-Enrichment of Flour and Cereal Products	1	R70-620	02/01/2001	01/16/2001
23433	01/16/2001 15:03	Cary G. Peterson	Agriculture and Food, Regulatory Services	Proposed Rule (Amendment)-Enrichment of Flour and Cereal Products	1	R70-620	02/01/2001	
23434	01/16/2001 16:03	Cary G. Peterson	Agriculture and Food, Plant Industry	Five-Year Review-Utah Bee Inspection Act Governing Inspection of Bees	1	R68-1	02/01/2001	01/16/2001
23435	01/16/2001 16:03	Cary G. Peterson	Agriculture and Food, Plant Industry	Five-Year Review-Utah Commercial Feed Act Governing Feed	1	R68-2	02/01/2001	01/16/2001
23436	01/16/2001 16:03	Cary G. Peterson	Agriculture and Food, Plant Industry	Five-Year Review-Utah Nursery Act	1	R68-6	02/01/2001	01/16/2001
23437	01/16/2001 16:03	Cary G. Peterson	Agriculture and Food, Plant Industry	Five-Year Review-Quarantine Pertaining to the European Corn Borer	1	R68-10	02/01/2001	01/16/2001
23438	01/16/2001 16:03	Cary G. Peterson	Agriculture and Food, Plant Industry	Five-Year Review-Quarantine Pertaining to Mint Weevil	1	R68-12	02/01/2001	01/16/2001
22923	01/16/2001 17:22	Jilene Whitby	Insurance, Administration	Change in Proposed Rule (Third)-Diabetes Treatment and Management	3	R590-200	02/01/2001	

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23439	01/17/2001 17: 23	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)- Zoned Waters	2	R651-205	02/15/2001	
23440	01/17/2001 17: 23	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Additional Safety Equipment	2	R651-219	02/15/2001	
23441	01/18/2001 09: 23	David K. Morrow	Natural Resources, Parks and Recreation	Five-Year Review-Adjudicative Proceedings	1	R651-101	02/15/2001	01/18/2001
23442	01/18/2001 11: 30	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Scope of Rule	3	R307-103-1	Not Printed	
23443	01/19/2001 08: 32	John Njord	Transportation, Preconstruction	Nonsubstantive Change-Rules For the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way	25	R930-6	Not Printed	
23444	01/22/2001 12: 39	Robert Flowers	Public Safety, Law Enforcement and Technical Services, Criminal Identification (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	Nonsubstantive Change-Review and Challenge of Criminal Record	4	R722-2 (Changed to R722-900)	Not Printed	
23445	01/22/2001 12: 39	Robert Flowers	Public Safety, Law Enforcement and Technical Services, Regulatory Licensing Identification (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	Nonsubstantive Change-Concealed Firearm Permit	7	R724-4 (Changed to R722-300)	Not Printed	
23446	01/22/2001 12: 39	Robert Flowers	Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	Nonsubstantive Change-Emergency Vehicles	4	R724-6 (Changed to 722-340)	Not Printed	
23447	01/22/2001 12: 39	Robert Flowers	Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	Nonsubstantive Change-Undercover Identification	5	R724-7 (Changed to R722-320)	Not Printed	

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23448	01/22/2001 12:39	Robert Flowers	Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	Nonsubstantive Change-Licensing of Private Investigators	5	R724-9 (Changed to 722-330)	Not Printed	
23449	01/22/2001 12:39	Robert Flowers	Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	Nonsubstantive Change-Regulation of Bail Bond Recovery and Enforcement Agents	5	R724-10 (Changed to R722-310)	Not Printed	
23450	01/23/2001 11:17	Rod L. Betit	Health, Health Systems Improvement, Child Care Licensing	Proposed Rule (Repeal and Reenact)-Background Screening	6	R430-6	02/15/2001	
23451	01/23/2001 11:17	Rod L. Betit	Health, Health Systems Improvement, Child Care Licensing	Proposed Rule (Amendment)-Child Care Center	13	R430-100	02/15/2001	
23452	01/23/2001 13:52	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Repeal) - Demonstration Programs	2	R414-310	02/15/2001	
23453	01/23/2001 16:40	Helen Goddard	Human Services, Aging and Adult Services	Five-Year Review-Authority and Purpose	1	R510-1	02/15/2001	01/23/2001
23454	01/23/2001 16:40	Helen Goddard	Human Services, Aging and Adult Services	Nonsubstantive Change-Authority and Purpose	3	R510-1	Not Printed	Withdrawn by Agency 02/13/2001
23455	01/25/2001 14:04	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-License Agent Procedures	3	R657-27	02/15/2001	
23456	01/26/2001 14:53	David K. Morrow	Natural Resources, Parks and Recreation	Five-Year Review-Vessel Accident Reporting	1	R651-223	02/15/2001	01/26/2001
23457	01/29/2001 09:45	Francine A. Giani	Commerce, Consumer Protection	Five-Year Review-Utah Division of Consumer Protection: "Buyer Beware List"	1	R152-1	02/15/2001	01/29/2001
23458	01/29/2001 13:05	Rod L. Betit	Health, Children's Health Insurance Program	Proposed Rule (Amendment)-Eligibility	6	R382-10	02/15/2001	
23459	01/29/2001 13:05	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Program Benefits	3	R414-306	02/15/2001	
23460	01/31/2001 09:05	Tamy L. Scott	Transportation, Motor Carrier	Proposed Rule (Amendment)-Safety Regulations for Motor Carriers	2	R909-1	02/15/2001	

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23461	01/31/2001 09:05	Tamy L. Scott	Transportation, Motor Carrier	Proposed Rule (Amendment)- Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	3	R909-75	02/15/2001	
23462	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Nonsubstantive Change-Official Forms	5	R612-1-3	Not Printed	
23463	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Nonsubstantive Change-Fillings	4	R612-2-3	Not Printed	
23464	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Nonsubstantive Change-Regulation of Medical Practitioner Fees	4	R612-2-5	Not Printed	
23465	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Nonsubstantive Change-Fees in Cases Requiring Unusual Treatment	3	R612-2-6	Not Printed	
23466	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Nonsubstantive Change-Surgical Assistants' Fees	4	R612-2-11	Not Printed	
23467	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Proposed Rule (Amendment)-Charges for Special or Unusual Supplies, Materials, or Drugs	2	R612-2-16	02/15/2001	
23468	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Nonsubstantive Change-Fees for Unscheduled Procedures	4	R612-2-17	Not Printed	
23469	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Proposed Rule (Amendment)-Medical Records	2	R612-2-22	02/15/2001	
23470	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Nonsubstantive Change-Adjusting Relative Value Schedule (RVS) Codes	4	R612-2-23	Not Printed	
23471	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Proposed Rule (Amendment)-Review of Medical Payments	3	R612-2-24	02/15/2001	
23472	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Industrial Accidents	Nonsubstantive Change-Utilization Review Standards	5	R612-2-26	Not Printed	
23473	01/31/2001 11:51	R. Lee Ellertson	Labor Commission, Safety	Proposed Rule (Amendment)- Safety Codes for Elevators	2	R616-3-3	02/15/2001	
23328	01/31/2001 13:24	Barbara Stroud	Public Service Commission, Administration	Change in Proposed Rule-Service Quality for Telecommunications Corporations	5	R746-340	02/15/2001	
23474	01/31/2001 16:13	Robert Gross	Workforce Services, Employment Development	Proposed Rule (Amendment)-Options and Waivers	3	R986-900-902	02/15/2001	
23475	02/01/2001 10:41	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-Calculating the Utah Apportioned Value of a Rail Car Fleet Pursuant to Utah Code Ann. Section 59-2-201	3	R884-24P-49	02/15/2001	

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23476	02/01/2001 11:05	Forrest S. Cuch	Community and Economic Development, Indian Affairs	Five-Year Review-Native American Grave Protection and Repatriation	1	R230-1	02/15/2001	02/01/2001
23377	02/01/2001 17:31	Michael Glenn	Community and Economic Development, Community Development, Energy Services	Change in Proposed Rule-Utah Clean Fuels Grant and Loan Program	5	R203-1	02/15/2001	

Filings received for the March 1, 2001, Bulletin

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23477	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-General Health Care Facility Rules	9	R432-1	Not Printed	
23478	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-General Licensing Provisions	3	R432-2	Not Printed	
23479	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-General Health Care Facility Rules Inspection and Enforcement	4	R432-3	Not Printed	
23480	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-General Construction	3	R432-4	Not Printed	
23481	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Nursing Facility Construction	3	R432-5	Not Printed	
23482	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Assisted Living General Construction	4	R432-6	Not Printed	

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23483	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Specialty Hospital - Psychiatric Hospital Construction	3	R432-7	Not Printed	
23484	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Specialty Hospital - Chemical Dependency/Substance Abuse Construction	3	R432-8	Not Printed	
23485	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Specialty Hospital - Rehabilitation Construction Rule	3	R432-9	Not Printed	
23486	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Specialty Hospital - Chronic Disease Construction Rule	4	R432-10	Not Printed	
23487	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Orthopedic Hospital Construction	4	R432-11	Not Printed	
23488	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Small Health Care Facility (four to Sixteen Beds) Construction Rule	4	R432-12	Not Printed	
23489	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Freestanding Ambulatory Surgical Center Construction Rule	4	R432-13	Not Printed	
23490	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Birthing Center Construction Rule	4	R432-14	Not Printed	

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23491	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Hospice Inpatient Facility Construction	3	R432-16	Not Printed	
23492	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Adjudicative Procedure	4	R432-30	Not Printed	
23493	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Background Screening	4	R432-35	Not Printed	
23494	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-General Hospital Standards	6	R432-100	Not Printed	
23495	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Specialty Hospital - Psychiatric	7	R432-101	Not Printed	
23496	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Specialty Hospital - Chemical Dependency/Substance Abuse	5	R432-102	Not Printed	
23497	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Specialty Hospital - Rehabilitation	4	R432-103	Not Printed	
23498	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Specialty Hospital - Chronic Disease	5	R432-104	Not Printed	

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23499	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change - Special Hospital-Orthopedic	4	R432-105	Not Printed	
23500	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change - Nursing Care Facility	4	R432-150	Not Printed	
23501	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change - Mental Disease Facility	9	R432-151	Not Printed	
23502	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change - Mental Retardation Facility	5	R432-152	Not Printed	
23503	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change - Small Health Care Facility (Four to Sixteen Beds)	6	R432-200	Not Printed	
23504	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change - Mental Retardation Facility: Supplement "A" to the Small Health Care Facility Rule	6	R432-201	Not Printed	
23505	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Assisted Living Facilities	6	R432-270	Not Printed	
23506	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Small Health Care Facility - Type N	5	R432-300	Not Printed	

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23507	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Birthing Centers (Five or Less Birth Rooms)	6	R432-550	Not Printed	
23508	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Abortion Clinic Rule	4	R432-600	Not Printed	
23509	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Home Health Agency Rule	5	R432-700	Not Printed	
23510	02/02/2001 13:15	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	Nonsubstantive Change-Hospice Rule	5	R432-750	Not Printed	
23511	02/05/2001 07:02	Mike Chabries	Corrections, Administration	Five-Year Review-Release of Communicable Disease Information	1	R251-102	03/01/2001	02/05/2001
23512	02/05/2001 07:02	Mike Chabries	Corrections, Administration	Five-Year Review-Employment, Education or Vocational Training for Community Correctional Center Residents	1	R251-301	03/01/2001	02/05/2001
23513	02/05/2001 15:10	James H. Beadles	Transportation, Preconstruction, Right-of-Way Acquisition	Proposed Rule (Amendment)-Bus Shelters and Bus Benches-Advertising Permits		R933-4	Not Printed	Withdrawn by agency 02/15/2001
23514	02/05/2001 16:04	David A. Beach	Public Safety, Driver License	Nonsubstantive Change-Driver License Point System Administration	4	R708-3	Not Printed	
23515	02/06/2001 12:28	R. Lee Ellertson	Labor Commission, Anti-discrimination and Labor, Anti-discrimination	Proposed Rule (Amendment)-Procedures--Request for Agency Action and Investigation File	3	R606-1-3	03/01/2001	
23516	02/06/2001 12:28	R. Lee Ellertson	Labor Commission, Occupational Safety and Health	Nonsubstantive Change-Incorporation of Federal Standards	4	R614-1-4	Not Printed	
23517	02/06/2001 12:36	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Professional Engineers and Professional Land Surveyors Licensing Act Rules	4	R156-22	03/01/2001	
23518	02/06/2001 12:36	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Examination Requirements - Radiology Practical Technician	2	R156-54-302b	03/01/2001	

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23519	02/06/2001 15:05	Amy Owen	Community and Economic Development, Community Development, Library	Nonsubstantive Change-Public Library Online Access for Eligibility to Receive Public Funds	5	R223-2	Not Printed	
23520	02/08/2001 08:20	R. Lee Ellertson	Labor Commission, Industrial Accidents	Five-Year Review-Premium Rates	1	R612-4	03/01/2001	02/08/2001
23521	02/08/2001 10:13	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Definition of Solid Waste	3	R315-2-2	03/01/2001	
23522	02/08/2001 12:31	Steve Saltzgriver	Administrative Services, Fleet Operations	Five-Year Review-Fleet Operations Adjudicative Proceedings	1	R27-2	03/01/2001	02/08/2001
23523	02/08/2001 12:31	Steve Saltzgriver	Administrative Services, Fleet Operations, Surplus Property	Five-Year Review-Surplus Firearms	1	R28-2	03/01/2001	02/08/2001
23524	02/12/2001 09:30	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Operating Standards - Alarm Installer	2	R156-55d-603	03/01/2001	
23525	02/14/2001 14:43	Robert Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Appeal Time Limitation for Decisions Which are Mailed	2	R994-406-304	03/01/2001	
23526	02/14/2001 16:22	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	Proposed Rule (New)-Administrative Proceedings	3	R162-209	03/01/2001	
23232	02/14/2001 17:27	Barbara Stroud	Public Service Commission, Administration	Change in Proposed Rule-Price Cap Regulation	6	R746-352	03/01/2001	
23527	02/15/2001 16:04	Dan R. Davis	Crime Victim Reparations, Administration	Proposed Rule (Amendment)-Award and Reparation Standards	5	R270-1	03/01/2001	
23528	02/15/2001 17:14	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Taking Big Game	2	R657-5	03/01/2001	
23529	02/15/2001 17:14	John Kimball	Natural Resources, Wildlife Resources	Five-Year Review-Regional Advisory Councils	1	R657-39	03/01/2001	02/15/2001
23530	02/15/2001 17:14	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Regional Advisory Councils	3	R657-39	03/01/2001	
23531	02/15/2001 17:14	John Kimball	Natural Resources, Wildlife Resources	Five-Year Review-Wildlife Rehabilitation	1	R657-40	03/01/2001	02/15/2001
23532	02/15/2001 17:14	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Wildlife Rehabilitation	6	R657-40	03/01/2001	
23533	02/15/2001 17:14	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Realllocation of Permits	2	R657-42-6	03/01/2001	