UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed May 16, 2001, 12:00 a.m. through June 1, 2001, 11:59 p.m.

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June 15, 2001

Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

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

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EDITOR'S NOTES

**NOTICE OF PUBLICATION ERROR IN THE JUNE 1, 2001,
ISSUE OF THE *UTAH STATE BULLETIN***

In the June 1, 2001, issue of the *Utah State Bulletin* (2001-11, page 122), the DAR No. was incorrectly listed for the effective notice for Rule R156-3a from Commerce, Occupational and Professional Licensing. The number published was 23350. The correct DAR No. for the effective notice for the proposed amendment to R156-3a is 23550. The effective date was May 3, 2001.

Questions regarding this error to the Utah State Bulletin may be directed to: Nancy L. Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3218; FAX: (801) 538-1773; or E-mail: nlancast@das.state.ut.us.

End of the Editor's Notes Section

The Special Notices Section Begins on the Follwing Page

SPECIAL NOTICES

EXECUTIVE ORDER

Whereas, Mormon cricket and grasshopper damage is impacting Utah's agricultural economy as well as the state's wildlife resources;

Whereas, Mormon cricket and grasshopper infestation in Utah is the largest in recent history, exceeding 1.5 million acres;

Whereas, Mormon cricket and grasshoppers are damaging grains, alfalfa, safflower, rangeland grasses and other crops;

Whereas, a minimum of $25 million in crop damage could occur in more than a dozen Utah counties, including Millard, Juab and Tooele;

Whereas, the numbers of crickets and grasshoppers far out weigh the state's ability to exercise control over such insects whose primary hatching grounds are on federally owned lands;

Whereas, the Utah Department of Agriculture and Food is strongly encouraging the U.S. Congress to fund federal insect control programs;

Whereas, projections for Mormon cricket and grasshopper populations for next year will be equal to or greater than this year;

Therefore, I Michael O. Leavitt, governor of the state of Utah by virtue of the power vested in me by the Constitution and the laws of the state of Utah,

Do Hereby Declare That; a state of agricultural emergency exists due to the Mormon cricket and grasshopper infestation in the State of Utah and that all such affected areas within the State are declared to be agricultural disasters requiring aid, assistance and relief pursuant to the provisions of state statutes.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 1st day of June, 2001.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

EXECUTIVE ORDER

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

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

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

Whereas, immediate action is required to suppress the fires to protect public safety, property, natural resources and the environment; and

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

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the constitution and the laws of the State of Utah;

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of June 1, 2001, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 1st day of June, 2001.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

PROCLAMATION

WHEREAS, since the adjournment of the 2001 General Session of the Fifty-Fourth Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty-Fourth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 20th day of June, 2001, at 1:30 p.m., for the following purposes:

1. To consider the creation of the Utah College of Applied Technology and other changes relating to applied technology education.

2. For the Senate to advise and consent to appointments made by the Governor.

3. And, to consider such other measures as may be brought to the attention of the Legislature by supplemental communication from the Governor before or during the Special Session hereby called.

IN TESTIMONY WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 7th day of June, 2001.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

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. 01-11, dated May 25, 2001 (http://www.state.lib.ut.us/01-11.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 it 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 May 16, 2001, 12:00 a.m., and June 1, 2001, 11:59 p.m., are included in this, the June 15, 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 July 16, 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 October 13, 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 (2001); 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, Consumer Protection
R152-1
Utah Division of Consumer Protection: "Buyer Beware List"

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23789
FILED: 05/24/2001, 14:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to make the "Buyer Beware List" more effective as an enforcement tool. The rule is also amended to reflect recent changes made by the Legislature to the Motor Fuel Marketing Act (Title 13, Chapter 16). (**DAR Note:** The Motor Fuel Marketing Act was amended by H.B. 162, which is found at 2001 Utah Laws 283, and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: The rule is changed to require that once a business is placed on the "Buyer Beware List," it will remain on the list a minimum of 90 days. References to the Motor Fuel Marketing Act (Title 13, Chapter 16) are deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 13-2-5

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There is no effect either way. The changes update the rule after recent amendments made by the Legislature and affect only the minimal time period that a person may be placed on the list. The changes do not add to the state's burden in administering the list.
❖LOCAL GOVERNMENTS: There will be no costs because local government has no responsibility to administer the list.
❖OTHER PERSONS: Because the proposed change will require a minimum period that a person who is place on the list must remain on the list, there are anticipated costs relating to lost business opportunities that may result. The amount of these costs are speculative and unknown.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected person's costs of compliance are not increased or decreased as a result of the change. If that person is subject to an order of adjudication, that person will also be subject to being placed on the list the same as if no change were made to the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The "Buyer Beware List" is an enforcement tool. If used against a business, there may be costs associated with the loss of business that may result from being placed on the list.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
R152-1. Utah Division of Consumer Protection: "Buyer Beware List".
R152-1-1. Purposes, Policies and Rules of Construction.

A. These rules are promulgated pursuant to Subsection 13-2-5(1) for the purposes of assisting in the orderly administration of those chapters of Title 13, Utah Code Annotated, 1953, as amended, which the Division is charged with administering and enforcing and or assisting other state and federal agencies in administering and enforcing, namely:

(1) Title 13, Chapter 5, Unfair Practices Act;
(2) Title 13, Chapter 10a, Music Licensing Practices Act;
(3) Title 13, Chapter 11, Consumer Sales Practices Act;
(4) Title 13, Chapter 15, Business Opportunity Disclosure Act;[
~~(5) Title 13, Chapter 16, Motor Fuel Marketing Act;~~]
[~~(6)~~](5) Title 13, Chapter 20, New Motor Vehicle Warranties Act;
[~~(7)~~](6) Title 13, Chapter 21, Credit Services Organizations Act;
[~~(8)~~](7) Title 13, Chapter 22, Charitable Solicitations Act;
[~~(9)~~](8) Title 13, Chapter 23, Health Spa Services Protection Act;
[~~(10)~~](9) Title 13, Chapter 25a, Telephone and Facsimile Solicitation Act;
[~~(11)~~](10) Title 13, Chapter 26, Telephone Fraud Prevention Act;
[~~(12)~~](11) Title 13, Chapter 28, Prize Notices Regulation Act; and
[~~(13)~~](12) Title 13, Chapter 30, Utah Personal Introduction Services Protection Act.

B. These substantive rules are adopted by the Director of the Division of Consumer Protection pursuant to general authority of

Section 5 of Chapter 2 of Title 13, Utah Code Annotated, 1953, as amended, and specific authority of the following statutory sections, namely Subsections 13-11-8(2), and 13-15-3(1), and Section 13-16-12, Utah Code Annotated, 1953, as amended. Without limiting the scope of any section of any chapter therein or any other rule, this rule shall be liberally construed and applied to promote its stated purposes and policies. The purposes and policies of this rule are to:

(1) protect consumers from individuals and businesses who have engaged in and committed deceptive acts or practices, or have engaged in and committed unconscionable acts or practices.

(2) supply consumers with pertinent information on the nature of those individuals or businesses who may be engaging in and committing deceptive acts or practices, or may be engaging in and committing unconscionable acts or practices, so as to aid consumers in their decision making.

(3) encourage the development of fair consumer sales practices and wise decision making by consumers in all their consumer purchase decisions.

R152-1-2. Definitions.

A. Definitions: For the purposes of this rule, the following definitions shall apply and be used in construing this rule:

(1) "Buyer Beware List" means a written and compiled list of those individuals or business compiled by the Division in accordance with this rule and based on the criterion for placement on and removal from said list set forth herein. Such list,[~~shall be a not less than quarterly publication of the Division and~~] for purposes of classification under the Utah Government Records Management Act ("GRAMA") Section 63-2-101, et seq., Utah Code Annotated, 1953 as amended, is classified as a "public" record or document.

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

(3) "Director" means the director of the Utah Department of Commerce, Division of Consumer Protection.

(4) "Division" means the Utah Department of Commerce, Division of Consumer Protection.

(5) "Emergency" means facts known or presented to the Utah Department of Commerce, Division of Consumer Protection that show that an immediate and significant danger to the public health, safety, or welfare exists as regards the administration of those chapters or one of those chapters of Title 13, Utah Code Annotated, 1953, as amended, which the Division is charged with administering and enforcing; and the threat requires immediate action by the Division.

(6) "Executive Director" means the executive director of the Utah Department of Commerce.

(7) "Order of Adjudication" means an order issued by the Utah Department of Commerce, Division of Consumer Protection after proper notice and hearing, as applicable, in accordance with the Utah Administrative Procedures Act, Section 63-46b-1, et. seq., Utah Code Annotated, 1953, as amended.

R152-1-3. Placement on "Buyer Beware List".

A. The Division shall place the name of an individual or business on the "Buyer Beware List" for the following reason:

(1) Conduct which constitutes a violation of any of the chapters of Title 13, Utah Code Annotated, 1953, as amended, which the Division is charged with administering and enforcing, and which has been reduced to an Order of Adjudication of the Division, namely:

(a) Title 13, Chapter 5, Unfair Practices Act;

(b) Title 13, Chapter 10a, Music Licensing Practices Act;

(c) Title 13, Chapter 11, Consumer Sales Practices Act;

(d) Title 13, Chapter 15, Business Opportunity Disclosure Act;

[~~(e) Title 13, Chapter 16, Motor Fuel Marketing Act;~~

~~(f)~~](e) Title 13, Chapter 20, New Motor Vehicle Warranties Act;

[~~(g)~~](f) Title 13, Chapter 21, Credit Services Organizations Act;

[~~(h)~~](g) Title 13, Chapter 22, Charitable Solicitations Act;

[~~(i)~~](h) Title 13, Chapter 23, Health Spa Services Protection Act;

[~~(j)~~](i) Title 13, Chapter 25a, Telephone and Facsimile Solicitation Act;

[~~(k)~~](j) Title 13, Chapter 26, Telephone Fraud Prevention Act;

[~~(l)~~](k) Title 13, Chapter 28, Prize Notices Regulation Act; and

[~~(m)~~](l) Title 13, Chapter 30, Utah Personal Introduction Service Protection Act.

(2) The Division shall provide fifteen (15) business days written notice by certified mail prior to placing an individual or business on the Buyer Beware List unless notice has otherwise been given by a previously issued Division subpoena or written inquiry properly addressed or unless an emergency is deemed to exist. All individuals and businesses placed on the Buyer Beware List shall be notified in writing of the reasons for the proposed inclusion on the list. They will also be advised of what actions, if any, they can take to remove their name from the list.

B. When the Division of Consumer Protection believes the public interest would be served, the Division may place the name of an individual or business on the "Buyer Beware List" for either of the following reasons:

(1) Failure or refusal to respond to an administrative subpoena of the Division; or

(2) Failure or refusal to respond to a consumer complaint on file with the Division alleging violation of one or more of the acts administered by the Division after the business or individual has received notification from the Division and had an opportunity to respond to the Division and address the complaint. Unclaimed, returned or refused certified mail properly addressed to the individual or business which is received back by the Division shall constitute proof of such failure or refusal to respond.

C. Prior to placement on the Buyer Beware List for either of the reasons set forth at R152-1-3B(1) and (2) above the Division shall:

(1) In accordance with Division policy and procedure upon receipt of a consumer complaint make reasonable efforts to communicate with an individual or business complained against which shall include at a minimum efforts of:

(a) At least one (1) initial written notice by certified mail or facsimile transmission;

(b) At least one (1) initial telephone call; and

(c) If the individual or business complained against is a Utah resident at least one initial (1) face to face contact by a Division representative either at the Division's offices or at the individual's or business' Utah address.

(2) If the initial efforts set forth at R152-1-3C(1) have proven unsuccessful the Division shall provide fifteen (15) business days

written notice by certified mail prior to placing an individual or business on the Buyer Beware List unless notice has otherwise been given by a previously issued Division subpoena or written inquiry properly addressed or unless an emergency is deemed to exist. All individuals and businesses placed on the Buyer Beware List shall be notified in writing of the reasons for the proposed inclusion on the list. They will also be advised of what actions, if any, they can take to remove their name from the list.

D. Each listing on the Buyer Beware List shall contain a listing of the individual's or business':

(1) name(s), including "doing businesses as";

(2) address(es);

(3) phone number(s); and

(4) a detailed basis for the individual or business being placed on the list, including whether an administrative fine has been assessed and if so what amount and or whether a cease and desist order in accordance with Section 13-2-6(1), Utah Code Annotated, 1953, as amended, has been issued.

R152-1-4. Removal from "Buyer Beware List".

A. The Division of Consumer Protection shall remove the name of the business or individual from the Buyer Beware List as follows:

(1) Pursuant to R152-1-3A(1), after the individual or business has had no other complaints for a period of 90 consecutive days after being placed on the list and otherwise[~~when the individual or business~~] complies with all aspects of the Order of Adjudication entered against the individual or business, including the payment of all administrative fines assessed, if any[~~.~~];

(2) Pursuant to R152-1-3B(1), when a sufficient response is provided to an outstanding Division subpoena[~~.~~]; or

(3) Pursuant to R152-1-3B(2), when a satisfactory response is made to outstanding Division inquiries previously failed or refused to be responded to.

. . . . . .

KEY: consumer protection

[~~April 1, 1996~~]2001	**13-2-5(1)**
Notice of Continuation January 29, 2001	**13-11-8(2)**
	13-15-3(1)
	13-16-12

Commerce, Consumer Protection
R152-2
(Changed to R152-11)
Utah Consumer Sales Practices Act

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23819
FILED: 06/01/2001, 13:04
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to renumber the rule, to clarify the rules dealing with refunds of deposits, and to recognize current business practices in authorizing repairs.

SUMMARY OF THE RULE OR CHANGE: The change is to make more clear the duty of suppliers and consumers when refunds are due. It is also changed to recognize that in the automotive repair industry it is common for authorization for repairs be done over the telephone because of the different schedules of consumers and the repair businesses. The rule is being renumbered to be consistent with other rules which are numbered similar to the chapter that they relate to.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 13-11-8(2) and 13-2-5(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Because the changes clarify the rule, there will be less time needed by staff to enforce the rule. Any savings, however, is probably not measurable.
❖LOCAL GOVERNMENTS: Because local government is not responsible to administer the Act, there is no effect either way.
❖OTHER PERSONS: Because the rule is clarified, there should be less confusion for businesses. Any savings that may be generated by this, however, is probably not measurable.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes do not affect any compliance costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any time confusion can be eliminated from the rules that a business must follow, there is bound to be some savings to that business. The savings, however, probably are not measurable.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
R152-[2]11. Utah Consumer Sales Practices Act.
R152-[2]11-1. Purposes, Rules of Construction.

. . . . . .

R152-[2]11-2. Exclusions and Limitations in Advertisement.

. . . . . .

R152-[2]11-3. Bait Advertising/Unavailability of Goods.

. . . . . .

R152-[2]11-4. Use of the Word "Free" etc.

. . . . . .

R152-[2]11-5. Repairs and Service.

. . . . . .

R152-[2]11-6. Prizes.

. . . . . .

R152-[2]11-7. New for Used.

. . . . . .

R152-[2]11-8. Substitution of Consumer Commodities.

. . . . . .

R152-[2]11-9. Direct Solicitations.

A. It shall be a deceptive act or practice in connection with a consumer transaction involving any direct solicitation sale for a supplier to do any of the following:

(1) Solicit a sale without clearly, affirmatively, and expressly revealing at the time the seller initially contacts the consumer or prospective consumer, and before making any other statements or asking any questions, except for a greeting: the name of the seller, the name or trade name of the company, corporation or partnership the seller represents, and stating in general terms the nature of the consumer commodities the seller wishes to show or demonstrate.

(2) Represent that the consumer or prospective consumer will receive a discount, rebate, or other benefit for permitting his home or other property, real or personal, to be used as a so-called "model home" or "model property" for demonstration or advertising purposes when such, in fact, is not true;

(3) Represent that the consumer or prospective consumer has been specially selected to receive a bargain, discount, or other advantage when such, in fact, is not true;

(4) Represent that the consumer or prospective consumer is a winner of a contest when such, in fact, is not true;

(5) Represent that the consumer commodities that are being offered for sale cannot be purchased in any place of business, but only through direct solicitation, when such, in fact, is not true;

(6) Represent that the salesman representative, or agent has authority to negotiate the final terms of a consumer transaction when such, in fact, is not true;

(7) Sell, lease, or rent consumer goods or services with a purchase price of $25 or more and fail to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution which is in the same language (e.g. Spanish) as that principally used in the oral sales presentation and which shows the date of the transaction and the name and address of the seller.

(8) Except as otherwise provided in the "Home Solicitations Sales Act", Section 70C-5-102(5) and or the "Telephone Fraud Prevention Act", Section 13-26-5, to fail to provide a notice of the buyer's right to cancel within three (3) business days at the time of purchase if the total of the sale exceeds $25, unless the supplier's cancellation policy is communicated to the buyer and the policy offers greater rights to the buyer than three days, which notice shall be in conspicuous statement written in dark bold at least 12 point type on the front page of the purchase documentation, and shall read as follows: "You, the Buyer, May Cancel This Transaction At Any Time Prior to Midnight of the Third Business Day (or Time Period Reflecting the Supplier's Cancellation Policy But Not Less Than Three Business Days) After the Date of This Transaction or Receipt of The Product, Whichever is Later."

(a) Paragraph (8) shall not apply to "fixture" solicitation sales where the supplier:

(i) automatically provides the buyer a right to cancel within three (3) or more business days from the time of purchase; or

(ii) automatically provides a refund for return of goods within three (3) or more business days from the time of purchase, but prior to installation as a fixture; or

(iii) supplies merchandise to a buyer without prior full payment and allows the buyer three (3) or more business days from the time of receipt of the merchandise, but prior to installation as a fixture to cancel the order and return the merchandise; or

(iv) discloses its refund/return policy in its advertising, catalog and contract, and that policy provides for a return of merchandise within a period of three (3) or more business days from the time of purchase, but prior to installation as a fixture or that policy indicates no return or refund will be offered or made on special merchandise (such as uniquely sized items, custom made or special ordered items)[-]; or

(9) Fail or refuse to honor any valid notice of cancellation by a consumer and within 10 business days after the receipt of such notice, to: (i) Refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the supplier; and (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

B. "Direct Solicitation" means solicitation of a consumer transaction initiated by a supplier, at the residence or place of employment of any consumer, and includes a sale or solicitation of sale made by the supplier by direct mail or telephone or personal contact at the residence or place of employment of any consumer. In the case of a subscription or club membership (e.g., tape, book, or record club) solicitation, "direct solicitation" means solicitation of the initial consumer transaction pursuant to a subscription or club

membership agreement, made by the supplier at the residence or place of employment of any consumer, and includes a solicitation of an initial sale made by the supplier by direct mail or telephone or personal contact at the residence or place of employment of any consumer, but excludes all subsequent consumer transactions which are provided for in the subscription or club membership agreement.

C. "Time of Purchase" is defined as the day on which the buyer signs an agreement or accepts an offer to purchase consumer goods or services where the total of the sale is $25 or more.

R152-[2]11-10. Deposits and Refunds.

A. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to accept a deposit unless the following conditions are met:

(1) The deposit obligates the supplier to refrain for a specified period of time from offering for sale to any other person the consumer commodities in relation to which the deposit has been made by the consumer if such consumer commodities are unique; provided that a supplier may continue to sell or offer to sell consumer commodities on which a deposit has been made if he has available sufficient consumer commodities to satisfy all consumers who have made deposits;

(2) All deposits accepted by a supplier must be evidenced by dated receipts stating the following information:

(a) Description of the consumer commodity, (including model, model year, when appropriate, make, and color);

(b) The cash selling price;

(c) Allowance on the consumer commodity to be traded in, if any;

(d) Time during which the option is binding;

(e) Whether the deposit is refundable and under what conditions; and

(f) Any additional cost such as delivery charge.

(3) For the purpose of this rule "deposit" means any payment in cash, or of anything of value or an obligation to pay including, but not limited to, a credit device transaction incurred by a consumer as a deposit, refundable or non-refundable option, or as partial payment for consumer commodities.

B. It shall be a deceptive act or practice in connection with a consumer transaction when the consumer can provide reasonable proof of purchase from a supplier for the supplier to refuse to give refunds for:

(1) Used, damaged or defective consumer commodities, unless they are clearly marked "as is" or with some other conspicuous disclaimer of any implied or express warranty, and also clearly marked that no refund will be given; or

(2) Non-used, non-damaged or non-defective goods unless:

(a) Such non-refund, exchange or credit policy, including any applicable restocking fee, is clearly indicated by a sign posted at the point of display, the point of sale, the store entrance, or through adequate verbal or written disclosure[~~,~~] if the transaction occurs through the mail, over the telephone, via facsimile machine, via e-mail, or over the Internet; or

(b) The consumer commodities are food, perishable items, merchandise which is substantially custom made or custom finished.

(3) For the purpose of this rule "refund" means cash if payment were made in cash provided that if payment were made by check the refund may be delayed until the check has cleared; and further provided that if payment were made by debit to a credit card or other account, then refund may be made by an appropriate credit or refund pursuant to the applicable law.

[~~(4) A supplier is only required to give refunds within a reasonable time, not to exceed thirty days, and for a reasonable amount, considering the nature of the consumer commodity, and the condition of the consumer commodity returned and any depreciation, waste or damage, shipping charges, and any reasonable restocking fee if such was clearly disclosed to the consumer at the time of purchase or at the point of sale.~~]C. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier who has accepted a deposit and has received from the consumer within a reasonable time a valid request for refund of the deposit to fail to make the refund within ten business days after receipt of such request.

(1) In determining the amount to refund, the supplier may take into consideration the nature of the commodity returned, the condition of the commodity returned, shipping charges if agreed to and any lawful restocking fee.

(2) "Reasonable time" means within 30 days of the date of the deposit unless a longer period is justified due to the nature of the commodity returned or any agreement between the parties.

[~~C.~~]D. No deposit accepted by a supplier to secure the value of equipment or materials provided to a consumer for the consumer's use in any business opportunity where it is anticipated by either the consumer or the supplier that some remuneration will be paid to the consumer for services or goods supplied to the supplier or to some third party in the behalf of the supplier shall exceed the actual cost of the supplies or equipment paid by the supplier or any person acting on behalf of the supplier.

R152-[2]11-11. Franchises, Distributorships, Referral Sales.

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R152-[2]11-12. Negative Options.

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R152-[2]11-13. Travel Packages.

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KEY: advertising, bait and switch, consumer protection
[~~September 29, 1999~~]2001 **63-46a-3**
Notice of Continuation September 11, 1997 **13-2-5**
13-11

Commerce, Consumer Protection
R152-6
(Changed to R152-2)
Utah Administrative Procedures Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23790
FILED: 05/24/2001, 14:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to renumber the rule and to recognize that some proceedings, such as emergency proceedings, must be conducted as formal proceedings even though hearings before the division are generally conducted as informal proceedings.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to reflect that proceedings before the division shall be informal unless otherwise required by law.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 13-2-5(1) and Section 63-46b-20

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The proposed changes affect a limited procedural rule regarding the designation of hearings as formal or informal. The changes do not affect the state's burden in any fashion. Therefore, there is no cost or savings anticipated.
❖LOCAL GOVERNMENTS: Because local governments have nothing to do with the division's designation of its administrative hearings as informal, there is no effect either way.
❖OTHER PERSONS: The proposed changes are to a procedural rule and have no known effect on the cost or savings of any person.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There are none. The proposed changes are to a procedural rule and have no known effect on the cost or savings of any person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The current rule does not recognize that in some administrative hearings, namely emergency hearings, the hearing that results is designated by statute to be a formal hearing. There is no known fiscal impact on any business that would result from this change.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
R152-[6]2. Utah Administrative Procedures Act Rules.
R152-[6]2-1. Designation of Adjudicative Proceedings.
[~~A.~~]All adjudicative proceedings within the Division shall be informal, except as may be required by law.[
~~B. No hearing will be held unless specifically allowed or required under any laws administered by the Division, or by the Utah Administrative Procedures Act. If a hearing is allowed, it will be held only if timely requested pursuant to Department Rule 151-46b-10.~~]

R152-[6]2-2. Designation of Presiding Officer.
The presiding officer in any proceeding shall be the director of the division. The director may designate another person to act as presiding officer in any proceeding or portion thereof.

KEY: administrative procedure, government hearings, consumer protection
[~~1992~~]2001 **13-2-5(1)**
Notice of Continuation November 25, 1997

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Commerce, Consumer Protection
R152-7
(Changed to R152-23)
Utah Health Spa Services

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23791
FILED: 05/24/2001, 14:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to make certain reporting requirements streamlined and more clear. In addition, the rule is renumbered to be consistent with other rules that reference the statutes that they are meant to support.

SUMMARY OF THE RULE OR CHANGE: The application no longer will need to make reference to the number of lifetime memberships and will be less confusing in requesting the number of membership contracts that relate to each facility. In addition, the rule is renumbered to identify with Title 13, Chapter 23, of the Utah Code.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 13-2-5(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The State has the responsibility of administering the Utah Health Spa Services Protection Act (Act; Title 13, Chapter 23). The proposed changes clarify the information required on applications. This will not add to or take away from the state's burden.
❖LOCAL GOVERNMENTS: Because local government has no responsibility to administer the Act, there will no effect either way.
❖OTHER PERSONS: The proposed changes do not add to the applicant's burden. Because the rule is made more clear, the affected persons may see their burden decrease. However, any savings would likely not be measurable.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed changes do not affect compliance costs of affected persons. They still have to register and pay the annual registration fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes should help health spa businesses in their efforts to comply with registration requirements. However, it is doubtful that any fiscal impact will be experienced one way or the other.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
R152-[~~7~~]23. Utah Health Spa Services.
R152-[~~7~~]23-1. Authority.

These Rules are promulgated in accordance with the provisions of Section 63-46a-3 and Section 13-2-5, Utah Code Ann. (1953), as amended, to prescribe for the administration of the Utah Health Spa Act, Section 13-23-1, et seq., Utah Code Ann. (1953), as amended, the "Act".

R152-[~~7~~]23-2. Scope and Applicability.

These rules shall apply to the conduct of every Health Spa Business within the State of Utah.

R152-[~~7~~]23-3. Definitions.

. . . . . .

R152-[~~7~~]23-4. Registration Requirements and Contracts for Health Spa Services.

A. Prior to selling or attempting to sell a Membership Contract, a health spa facility must file the following documentation with the Division:

1. A completed application on the form prescribed and furnished by the Division which shall include:

a. Name, addresses, and telephone numbers of owner(s) of the Health Spa Facility and the facility address, telephone number, and name of contact person at the facility.

b. A check or money order for a $100 non-refundable application fee.

c. A current pricing structure for membership services.

d. A copy of the contract(s) utilized by the facility containing the language required by the Act.

e. The original or certified copy of the surety bond, letter of credit, or certificate of deposit in the required amount or, if applicable, the information set out in the application as the basis for a claim of exemption from registration.

f. The number of membership contracts [~~with the facility which have outstanding, unexpired terms~~]that relate to each facility.[

~~g. The number of existing membership contracts which required down payments, enrollment fees, membership fees or any other payments to the facility.~~

~~h. The number of existing lifetime memberships.~~

~~i. Other information and documentation as set out in the application.~~]

2. Notice of intent to sell memberships.

B. Each Membership Contract shall contain a provision, printed in all capital letters which reads substantially as follows: "IN THE EVENT THE HEALTH SPA FACILITY CLOSES AND ANOTHER HEALTH SPA FACILITY OPERATED BY THE SELLER, OR ASSIGNS OF THE SELLER, OF THIS CONTRACT IS NOT AVAILABLE WITHIN A TEN (10) MILE RADIUS OF THE LOCATION THE MEMBER INTENDS TO PATRONIZE, SELLER WILL REFUND TO MEMBER A PRORATA SHARE OF THE MEMBERSHIP COST, BASED UPON THE UNUSED MEMBERSHIP TIME REMAINING ACCORDING TO THE CONTRACT."

C. All Membership Contracts shall specify what items of equipment or services provided by the health spa facility on the date of the execution of the membership contract are subject to deletion or change at the discretion of the facility.

D. All Membership Contracts sold prior to opening of the health spa facility shall allow the buyer a three (3) day right of rescission in accordance with Section 13-23-4 of the Act, or Section 13-11-4(m) of the Utah Consumer Sales Practices Act.

E. The dollar value of a Membership Contract shall be clearly stated on the face of the contract.

F. In any event, no Membership Contract shall be sold which provides a membership term of longer than thirty-six (36) months.

G. The purchaser of a Health Spa Facility shall replace the Seller as a party to any unexpired Membership Contract and shall honor all Membership Contracts of the purchased facility in effect at the time of purchase, pursuant to Section 13-23-5(2) of the Act. In the event a Health Spa Facility shall be sold under circumstances which will result in its closure and the purchaser shall not operate a Health Spa Facility within 10 miles thereof, purchaser must notify Members of such closure in writing within 10 days of the date of sale. Members may cancel their outstanding Membership Contracts or may choose to continue their Membership Contract in force. Notice of such election shall be in writing mailed to the purchaser within 30 days of the receipt of notice of closure of the acquired Health Spa Facility.

H. A separate registration shall be required for each separate location maintained by a health spa business.

R152-[~~7~~]23-5. Rescission.

. . . . . .

R152-[~~7~~]23-6. Bond, Letter of Credit, or Certificate of Deposit Required.

. . . . . .

R152-[~~7~~]23-7. Enforcement.

. . . . . .

KEY: consumer protection, health spas
[~~August 14, 1995~~]2001 **63-46a-3**
Notice of Continuation November 25, 1997 **13-2-5**
13-23-1

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Commerce, Consumer Protection
R152-15
Business Opportunity Disclosure Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23792
FILED: 05/24/2001, 14:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to make the rule consistent with recent changes made by the Legislature to the Business Opportunity Disclosure Act (Act; Title 13, Chapter 15). (**DAR Note:** The Act was amended by S.B. 245 which is found at 2001 Utah Laws 196 and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: The change deletes a reference to a registered trademark or service mark exclusion filing.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 13-15-3; and Subsections 13-15-(1)(a)(iv), 13-15-(1)(b)(iii), and 13-11-8(2)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The state has the responsibility of administering the registration under the Business Opportunity Disclosure Act (Act; Title 13, Chapter 15). The proposed change does not add to or take away from that burden. The proposed changes eliminate a category of registration where no fee was imposed.
❖LOCAL GOVERNMENTS: There is no effect either way since local government has no responsibility to administer the Act.
❖OTHER PERSONS: Because the proposed changes eliminate a category of registration where no fee was imposed, the persons that are affected will be required to pay an annual registration fee of $100 or $200 depending on whether they are exempt. If the affected persons are required to file disclosures required by the Act, they will incur the costs associated with preparing the required information.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost for affected persons will be increased depending on exempt status. If exempt, they now will have to pay an annual registration fee of $100. If they are not exempt, they will now have to pay an annual registration fee of $200.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Under the former rule, a holder of a trade mark or service mark was recognized by the division as being exempt under the Act similar to one who has complied with the Federal Trade Commission rules. With the amendments to the Act, this particular exempt status will no longer be recognized. Therefore, the holder of the trade mark or service mark will now be required to pay to the division an annual registration fee of $100 (if exempt because of its compliance with the FTC rules) or $200 (if filing the disclosures are otherwise required). In addition to the filing fee paid to the state, the affected person will have costs associated with preparing and filing the necessary information in those cases where the disclosures are required.

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

Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
R152-15. Business Opportunity Disclosure Act Rules.
R152-15-1. Authority and Purpose.

Pursuant to Section 13-15-3, these rules are intended to assist in the administration of the Business Opportunity Disclosure Act, Chapter 15, Title 13.

R152-15-2. Filing Requirements. Filing Fees.

(1) Information filed with the Division. In addition to the information required to be filed by Section 13-15-4 or 13-15-4.5 Utah Code Annotated (1953, as amended), sellers shall file with the Division the following:

(a) the name and address of the registered agent of seller;

(b) any promotional materials used or to be used by either the seller or the purchaser, whether in writing or in any other form; and

(c) the appropriate filing fee as set in accordance with Section 63-38-3.2 Utah Code Annotated (1953, as amended), which presently is set as follows:

(i) Section 13-5-4 filing: $200.00 per year; and

(ii) Section 13-15-4.5[~~"FTC package or product franchise exemption"~~] filing: $100.00 per year[~~; and~~].[

~~(iii) Section 13-15-2(1)(a)(iv) state or federal "registered trademark or service mark exclusion" filing: No fee (although proof of such registration must be documented by certified copy of state and or federal registration of such trademark or service mark).~~]

(2) Amendment of disclosures. The disclosure document must be current as of the seller's most recent fiscal year, or no later than 90 days after the close of its most recent fiscal year. A seller must amend any information it files or filed with the Division in the event of any material change in the information. Such amendment shall be made by filing with the Division, within a reasonable time after such material change, the new or correct information.

(a) "Material change" means any change in information where there is a reasonable likelihood the decision of a prospective purchaser to purchase or not purchase the assisted marketing plan would be influenced by the change.

(b) Without limitation, example of material changes include:

(i) An increase or decrease in the initial or continuing fees charged by the seller;

(ii) The termination, cancellation, failure to renew or reacquisition of a significant number of purchasers of an assisted marketing plan since the most recent date of filing;

(iii) Any significant change in seller's management;

(iv) Any significant change in the seller's or purchaser's obligations;

(v) Significant decrease in seller's income or net worth or;

(vi) Significant change in claims about past sales or projected sales, income, gross or net profits, cash flows or costs involved in the assisted marketing plan.

KEY: franchises, marketing, consumer protection
[~~November 25, 1997~~]2001 **13-15-3**
Notice of Continuation November 25, 1997 **13-2-5**

Commerce, Consumer Protection
R152-16
Motor Fuel Marketing Act Rules

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 23793
FILED: 05/24/2001, 14:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the repeal is that the Motor Fuel Marketing Act was amended by the Legislature to take the responsibility for investigation and enforcement away from the Division of Consumer Protection so that the rules promulgated by the division are no longer necessary.
(**DAR Note:** The Motor Fuel Marketing Act was amended by H.B. 162, which is found at 2001 Utah Laws 283, and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: Rule R152-16 is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 13-2-5(1); and Title 13, Chapter 16

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The rule is repealed as a result of changes made to the Motor Fuel Marketing Act (Act; Title 13, Chapter 16) by the Legislature. Because the division is no longer charged with administering the Act, the rules are no longer necessary. Although the division no longer has the burden of administering the Act, the burden has shifted to the Office of Attorney General. The proposed change therefore neither adds to nor takes from the burden of the state as a whole.

❖LOCAL GOVERNMENTS: Because local government is not charged with responsibility for administering the Act, there is no effect either way.
❖OTHER PERSONS: Because the burden of administration of the Act has merely shifted from one state agency to another, there is no perceived cost or savings to other persons.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed repeal reflects the changes made to the Act by the Legislature. Therefore, if there is any change in compliance costs to affected persons, that change is the result of the action taken by the Legislature. The repeal of this rule should not affect the cost of compliance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: For the reasons stated above, there should be no fiscal impact on business resulting from the repeal of the rule.

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

Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
[~~**R152-16. Motor Fuel Marketing Act Rules.**~~
~~**R152-16-1. Purpose and Authority.**~~
~~The purpose of this rule is to clarify the requirements of Title 13, Chapter 16, Motor Fuel Marketing Act. This rule is authorized by Subsection 13-5-2(1) and Section 13-16-12.~~

~~**R152-16-2. Definitions.**~~
~~The following definitions shall be used in construing Title 13, Chapter 16 and this rule.~~
~~(1) "Allowances" means any reduction in the invoice or transfer price of motor fuel to compensate the buyer for:~~
~~(a) a shortage in the volume of motor fuel actually delivered and billed for in a prior transaction involving the same seller; or~~
~~(b) fuel previously delivered by the same seller which was not of the grade and quality ordered by the buyer.~~
~~(2) "Commerce in this state" means any sale of motor fuel within this state at any level of distribution.~~
~~(3) "Competitor" means any retail outlet in this state selling motor fuel of like grade and quality directly to members of the driving public.~~
~~(4) "Division" means the Division of Consumer Protection of the Utah Department of Commerce.~~
~~(5) "Freight charges" means the cost of transporting motor fuel from a refinery or storage facility to a retail outlet. Freight charges are determined by:~~
~~(a) the actual cost of transportation to the retail outlet; or~~
~~(b) in the absence of reliable information about actual transportation costs, the division shall estimate the cost based upon prevailing motor fuel transportation rates.~~
~~(6) "Invoice cost" means the price charged a retail outlet for motor fuel by an independent wholesaler.~~
~~(7) "Like grade" means motor fuel of the same type -- i.e., gasoline, gasohol, diesel, etc.~~
~~(8) "Like quality" applies only to gasoline and diesel. As applied to these two types of motor fuel, the term means:~~
~~(a) gasoline of the same octane; or~~
~~(b) diesel of the same sulphur content (i.e., high or low).~~
~~(9) "Marketing level" means the following three levels:~~
~~(a) the refinery level at which motor fuel is refined from crude oil;~~
~~(b) the wholesale level at which motor fuel is purchased from a refinery for the purpose of resale to a retail outlet; and~~
~~(c) the retail outlet level at which motor fuel is sold directly to members of the driving public.~~
~~(10) "Tied sale" means a transaction in which a member of the driving public:~~
~~(a) is given goods or services for purchasing a specified amount of motor fuel; or~~
~~(b) is given the opportunity to purchase goods or services at a certain price in return for purchasing a specified amount of motor fuel.~~
~~(11) "Rebate" means any discount in the regular price of motor fuel to induce its purchase at a same or lower marketing level.~~
~~(12) "Trade discount" means a reduction in the selling price of motor fuel if the buyer:~~
~~(a) takes delivery of a specified volume of motor fuel;~~
~~(b) tenders payment within a specified time frame; or~~
~~(c) tendered payment in a specified form.~~
~~(13) "Transfer price" means the price an affiliate charges its retail outlet for motor fuel.~~

~~**R152-16-3. Computing Cost.**~~
~~(1) For purposes of computing cost under Subsection 13-16-2(2), the division shall use the following equation: Cost = (L - D) + F + T + B. In this equation:~~
~~(a) "L" represents "last invoice cost," "lowest invoice cost," or "lowest transfer price," as the case may be;~~
~~(b) "D" represents "trade discounts, allowances, or rebates";~~
~~(c) "F" represents "freight charges," as applicable;~~
~~(d) "T" represents "federal, state, and local taxes," as applicable; and~~
~~(e) "B" represents "reasonable cost of doing business".~~
~~(2) Freight charges and federal, state and local taxes shall be included in the equation of subsection (1) only to the extent they are~~

~~not already reflected in the invoice cost or transfer price, as the case may be.~~

~~(3) The division shall determine cost solely on the formula set forth in this rule. No sale below cost may be justified by a seller based upon the value of a tied sale made by a competitor unless the tied sale actually reduces the amount of money a member of the driving public must pay for motor fuel.~~

~~**R152-16-4. Reporting Requirements.**~~

~~The records required under Section 13-16-10 shall be executed on a form authorized by the division.~~

~~**KEY: fuel prices, motor vehicles, consumer protection**~~
~~**1994 13-2-5(1)**~~
~~**Notice of Continuation July 29, 1999 13-16-12**~~]

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Commerce, Consumer Protection
R152-22
Charitable Solicitations Act

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23794
FILED: 05/24/2001, 14:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to make the rule consistent with recent court decisions and amendments made by the Legislature to the Charitable Solicitations Act (Act; Title 13, Chapter 22).
(**DAR Note:** The Act was amended by H.B. 259 which is found at 2001 Utah Laws 210 and was effective on April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: The rule deletes references to a bond, and information cards. The rule also streamlines certain reporting requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 13-2-5(1); and Title 13, Chapter 22

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The proposed changes reflect recent decisions of the Tenth Circuit Court of Appeals, which invalidated the Charitable Solicitations Act's (Act; Title 13, Chapter 22) requirement for professional fund raising counsel and consultants to obtain bonds. The proposed changes also omit references to information cards to be consistent with recent changes made to the Act. In each of these instances, the State's burden to administer is lessened. However, any measurable savings is negligible since all other aspects of administration remain unchanged.

❖LOCAL GOVERNMENTS: Because local governments have no responsibility to administer the Act, there is no effect either way.
❖OTHER PERSONS: There should be a savings to the affected persons because they no longer have the burden of obtaining a bond. The amount of savings is unknown. In any event, the savings that these persons enjoy are the result of the court decision that necessitated the change in the division's rule.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Although the bond is not required, the affected persons still must register and are subject to registration fees. Therefore, the compliance costs remain unchanged.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Those affected will no longer have the costs associated with the obtaining of a bond.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
R152-22. Charitable Solicitations Act.
R152-22-1. Authority.

These rules are promulgated under Section 13-2-5(1) to facilitate the orderly administration of the Charitable Solicitations Act (hereafter, "the Act"), Title 13, Chapter 22.

R152-22-2. Definitions. Clarifications.

(1) The definitions set forth in Section 13-22-2 are incorporated herein.

(2) In addition the following definition as regards the administration of R152-22 and Chapter 22 of Title 13 is deemed necessary by the division.

(a) "Parent foundation" or "Parent organization" means a charitable organization which charters or affiliates local units under terms specified in the parent charitable organization's charter, articles of organization, agreement of association, instrument of

trust, constitution or other organizational instrument or bylaws. For purposes of registration under Section 13-22-5 a parent foundation or organization is deemed to be soliciting, requesting, promoting, advertising, or sponsoring solicitation in the state within the meaning of said section and thus requiring registration if any part of the funds raised within the state or from residents and inhabitants of the state by the local chapter, branch, area, office or similar affiliate of any other person located within and maintaining a presence in the state [~~injure~~]inure to the benefit of the parent foundation or organization whether in the form of a percentage division or "split" or affiliation fee or fees paid by the local chapter, branch, area, office or similar affiliate of any other person located within and maintaining a presence in the state.

(1) In addition the following clarification of definition as regards the administration of R152-22 and Chapter 22 of Title 13 is deemed necessary by the division.

(a) "Vending device" as defined by Section 13-22-2(12) and "Vending device decal" as defined by Section 13-22-2(13) as they relate to the necessity of registering as a charitable organization, professional fund raiser, professional fund raising counsel or consultant creates a rebuttable presumption that the party utilizing such a vending device and or vending device decal is acting as such.

R152-22-3. Application for Charitable Organization Permit.

(1) Any application for registration as a charitable organization shall be executed on the form authorized by the Division.

(2) A statement of collections and expenditures shall be executed on the form authorized by the division[~~, and shall be prepared by an independent certified public accountant who is licensed to practice in this state~~].

(3) Applicants or registrants shall submit to the division, on request:

(a) an updated copy of a financial statement prepared by an independent certified public accountant;

(b) a copy of any written contracts, agreements or other documents showing to whom the applicant or registrant disbursed the funds or a portion of the funds contributed to it;

(c) a copy of the applicant's or registrant's articles of incorporation or other organizational documentation showing current legal status;

(d) a copy of the applicant's or registrant's current by-laws or other policies and procedures governing day to day operations;

(e) a setting forth of the applicant's or registrant's registered agent within the State of Utah for purposes of service of process, including his, her or its name, street address, telephone and facsimile numbers;

(f) a copy of the applicant's or registrant's IRS Section 501(c)(e) tax exemption letter, if applicable; and

(g) either the social security number or driver's license number of each of the applicant's or registrant's board of directors and officers, if a corporation, or partners or the individual applicant or registrant, for the purposes of background checks.

(h) a copy of applicant's IRS Form 990, 990EZ or 990PF.

(4) All initial applications and renewals of registration in accordance with Section 13-22-12(5) shall be processed within 10 business days of their receipt by the division.

• • • • • • • • • • •

R152-22-6. Application for Professional Fund Raiser, Fund Raising Counsel or Consultant Permit.

(1) Any application for a professional fund raiser, fund raising counsel or consultant permit shall be executed on the form provided by the Division.

(2) The application shall include a copy of all contracts, agreements, or other documents showing:

(a) the relationship and terms of employment or engagement between the applicant and the organization on whose behalf the applicant proposes to act as a professional fund raiser, fund raising counsel or consultant;

(b) the terms of any direct or indirect compensation, in whatever form, paid or promised to the applicant, including the method of payment and the basis for calculating the amounts of payment;

(c) a copy of the applicant's or registrant's articles of incorporation or other organizational documentation showing current legal status;

(d) a copy of the applicant's or registrant's current by-laws or other policies and procedures governing day to day operations;

(e) a setting forth of the applicant's or registrant's registered agent within the State of Utah for purposes of service of process, including his, her or its name, street address, telephone and facsimile numbers; and

(f) either the social security number or driver's license number of each of the applicant's or registrant's board of directors and officers, if a corporation, or partners or the individual applicant or registrant, for the purposes of background checks.

[~~(3) A bond or other evidence of security as required by Section 13-22-9(4).~~

~~(4)~~](3) All initial applications and renewals of registration in accordance with Section 13-22-12(5) shall be processed within 10 business days of their receipt by the division.

[~~**R152-22-7. Professional Fund Raiser, Fund Raising Counsel or Consultant Bond.**~~

~~(1) Bonds or other evidence of security submitted may be executed in any form that the director deems commercially and legally reasonable and consistent with this rule. The division's acceptance of a non-conforming instrument does not result in a waiver of the requirements of this rule.~~

~~(2) In order for a professional fund raiser, fund raising counsel or consultant to a receive a twelve month fund raising permit, the bond or other evidence of security, must chronologically coincide with the application or renewal application. In an effort to maintain consistency in expiration date, the Division shall issue the permit indicating an expiration date coinciding with the bond or other evidence of security.~~

~~(3) The division shall not accept a bond or other evidence of security in advance of receipt of an application or renewal application~~

~~(4) Any person who is injured through the violation of the Act by a professional fund raiser, fund raising counsel or consultant is entitled to recover the value of such losses from the professional fund raiser's, fund raising counsel's or consultant's bond.~~

~~(5) The division also may recover from the bond or other evidence of security of a professional fund raiser, fund raising counsel or consultant the amount of any administrative fine it imposes, or the amount of any civil judgments it obtains, against the~~

~~professional fund raiser, fund raising counsel or consultant arising from a violation of the Act.~~

~~(6) Payment is immediately due and owing to the division when:~~

~~(a) the director delivers a signed writing to the professional fund raiser's, professional fund raising counsel's or consultant's surety or holder or issuer of the other evidence of security demanding payment of a specified sum of money; and~~

~~(b) the professional fund raiser's, fund raising counsel's or consultant's liability in the amount specified by the director is demonstrated by a certified copy of the division's final order or the civil judgment of any Utah or federal court, which copy shall be attached to the director's demand for payment.~~

~~(7) The division may make a demand on a bond or other evidence of security either in its own right or as the representative of consumers who have been injured by the professional fund raiser's, fund raising counsel's or consultant's violation of the Act.~~

~~**R152-22-8. Permits and Information Cards.**~~

~~(1) All charitable organization permits shall contain a statement that issuance of a permit does not imply approval by the division.~~

~~(2) Information cards shall be issued to and utilized only by a paid solicitor conducting door-to-door solicitations.~~

~~(3) Charitable organizations, professional fund raisers, fund raising counsels or consultants, and paid solicitors are prohibited from using permits or information cards in connection with any fraud, misrepresentation or any other violation of the Act.~~]

R152-22-[~~9~~]7. Incomplete Applications.

(1) Based on Sections 13-22-6(3) and 13-22-9(3) the division may grant a charitable organization, professional fund raiser, professional fund raising counsel or consultant a 10 calendar day "grace" period for an incomplete application prior to assessing a penalty fee.

(2) Based on Section 13-22-6(1)(xiv)(B) and Section 13-22-6(3) if a charitable organization's initial application or renewal application is deemed incomplete due to the organization's professional fund raiser, professional fund raising counsel or consultant not being registered the division may assess a penalty fee accordingly.

(3) Based on Sections 13-22-6(3) and 13-22-9(3) the division may as regards any charitable organization, professional fund raiser, professional fund raising counsel or consultant whose status is that of "incomplete" or "suspended" for more than 12 months permit such to elect to submit the accumulated penalty fee or cease solicitations in the state for a 1 year period prior to making reapplication.

(4) Based on Sections 13-22-6(3) and 13-22-9(3) the division shall impose a penalty fee of $25 for each calendar month or part of a calendar month after the date on which a permit application or renewal was due to be filed or such permit application or renewal remains incomplete.

R152-22-[~~10~~]8. Commencement of Solicitation.

. . . . . .

R152-22-[~~11~~]9. Grounds for Denial, Suspension or Revocation Procedure.

. . . . . .

KEY: charity, consumer protection, solicitations
[~~November 25, 1997~~]2001 **13-2-5**
13-22-6
13-22-8
13-22-9
13-22-10

◆ ◆

Commerce, Consumer Protection
R152-26
Telephone Fraud Prevention Act

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23795
FILED: 05/24/2001, 14:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to make certain reporting requirements clear.

SUMMARY OF THE RULE OR CHANGE: The application for registration is required to include, among other things, information on the applicant's identity, background, telephone numbers used, and description of goods or services subject to the telephone solicitation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 13-2-5(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed changes require by rule that applicants provide to the division certain information. This information is already being requested in the division's current applications. Therefore, there is no added burden as a result of the changes.

❖LOCAL GOVERNMENTS: Because local government has no responsibility for the administration of the Act, there is no effect either way.

❖OTHER PERSONS: Because affected persons are already being asked to provide the information, there is no effect either way.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed changes do not require affected persons to do anything more than they already are doing. As a result, their compliance costs are not affected by the changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on interested persons. As explained above, the division's application currently requires this information to be supplied by the applicant.

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

Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
R152-26. Telephone Fraud Prevention Act.

. . . . . .

R152-26-5. Registration.

(1) A registrant shall submit an application for registration only on the form authorized by the division. An application may be summarily denied if:

(a) it is submitted on a form not authorized by the division;

(b) it is submitted on the authorized form but it is not legible; or

(c) it is submitted on the authorized form but it is incomplete in some material respect.

(2) The application shall include the following:

(a) the registrant's name, address, telephone number and facsimile number, if any;

(b) the names, addresses, birth dates and places, and social security numbers of all registrant's officers, directors, members, principals and/or key employees;

(c) the registrant's previous business addresses during the previous ten years;

(d) other names, if any, that the registrant does business under;

(e) identification of all licenses or permits currently held by the registrant and any that have been revoked or suspended;

(f) disclosure of any judgment, injunctive order or conviction of any of registrant's officers, directors, members, principals, or key-employees of racketeering or any offense involving fraud, thef, embezzlement, fraudulent conversion of property, misappropriation of property or other similar crimes;

(g) the name and address of the registrant's registered agent;

(h) the location where telephone numbers are to be dialed; and

(i) a description of the goods or services that are to be the subject of the telephone solicitation.

(3) Each registrant shall submit copies of the following documents with their application:

(a) All scripts to be used in the telephone solicitation;

(b) Articles of incorporation or other organizational documentation showing registrant's current legal status.

[~~(2)~~](4) At the option of the director, the processing of an application by the division's staff may be delayed to give the registrant an opportunity to cure technical defects in his application.

. . . . . .

KEY: telephone, fraud, consumer
[~~1994~~]2001 **13-2-5**
Notice of Continuation September 11, 1997

Commerce, Consumer Protection
R152-30
Utah Personal Introduction Services Protection Act

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23820
FILED: 06/01/2001, 13:04
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to make the rule consistent with the Utah Personal Introduction Services Protection Act (Title 13, Chapter 30).

SUMMARY OF THE RULE OR CHANGE: The rule is changed to delete the condition of receiving compensation prior to performance as a basis for not obtaining a bond.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 13-2-5(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The changes do not add to nor subtract from the burden of the state in administering the Utah Personal Introduction Services Protection Act (Act; Title 13, Chapter 30). Therefore, there will be no effect either way.

❖LOCAL GOVERNMENTS: Because local governments do not have responsibility to administer the Act, there is no effect either way.

❖OTHER PERSONS: Affected persons, who have not been required in the past, will have costs associated with the obtaining of a bond.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Any additional compliance costs will be associated with obtaining the necessary bond.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The current rule allows an applicant to be exempt from obtaining a bond if no compensation is received up front. As a result of this change, affected persons will have the costs of obtaining a bond.

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

Commerce
Consumer Protection
Heber M. Wells Building
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin V. Olsen at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at kolsen@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Francine A. Giani, Director

R152. Commerce, Consumer Protection.
R152-30. Utah Personal Introduction Services Protection Act.
R152-30-1. Authority.

These rules are promulgated under Section 13-2-5(1) to facilitate the orderly administration of the Utah Personal Introduction Services Protection Act (hereafter, "the Act"), Title 13, Chapter 30.

[~~**R152-30-2. Definitions--Clarifications.**~~

~~(1) The definitions set forth in Section 13-30-102 are incorporated herein.~~

~~(2) In addition the following clarification of definition as regards the administration of R152-30 and Chapter 30 of Title 13 is deemed necessary by the division.~~

~~(a) As set forth in Section 13-30-102(5), the term "compensation" for the purposes of determining the appropriate monetary amount of the bond, certificate of deposit, or letter of credit to be posted in accordance with Section 13-30-106 means the charge of or receipt of any money or other valuable consideration prior to full and complete performance of the services the personal introduction service has agreed to perform for the buyer for contracts having an unexpired term exceeding 90 days, as more specifically set forth in R152-30-3.~~]

R152-30-[~~3~~]2. Bond, Certificate of Deposit, or Letter of Credit--Sliding Scale--Posting--Recovery Against.

(1) The minimum principal amount of the bond, certificate of deposit, or letter of credit required under Section 13-30-106(2) shall[~~, if compensation is received prior to complete performance of the services contracted for,~~] be based on the number of [~~unexpired~~]contracts[~~ in excess of 90 days~~] for personal introduction services to which the personal introduction services is a party, in accordance with the following schedule:

TABLE

Principal Amount of Bond, Certificate of Deposit, or Letter of Credit	Number of Contracts [~~with an Unexpired Term Exceeding 90 Days~~]
$ 50,000	500 or fewer
75,000	501 to 1,500
100,000	1,501 or more

(2) Any person who is injured through the violation of the Act by a personal introduction service is entitled to recover the value of such losses from the personal introduction service's posted bond, certificate of deposit, or letter of credit.

(3) The division also may recover from the bond, certificate of deposit, or letter of credit of a personal introduction service the amount of any administrative fine it imposes, or the amount of any civil judgments it obtains, against the personal introduction service arising from a violation of the Act.

(4) payment is immediately due and owing to the division when:

(a) the director delivers a signed writing to the personal introduction service and the personal introduction service's surety or issuing institution demanding payment of a specified sum of money; and

(b) the personal introduction service's liability in the amount specified by the director is demonstrated by a certified copy of the division's final order or the civil judgment of any Utah or federal court, which copy shall be attached to the director's demand for payment.

(5) The division may make a demand on a bond, certificate of deposit, or letter of credit either in its own right or as the representative of consumers who have been injured by the personal introduction service's violation of the Act.

(6) Bonds, certificates of deposit, or letters of credit submitted may be executed in any form that the director deems commercially and legally reasonable and consistent with this rule. The division's acceptance of a non-conforming instrument does not result in a waiver of the requirements of this rule.

R152-30-[~~4~~]3. Grounds for Denial, Suspension, or Revocation--Procedure.

. . . . . .

KEY: consumer protection, personal services
[~~December 30, 1998~~]2001 **13-2-5**
13-30-101

Commerce, Occupational and Professional Licensing
R156-1-308a
Renewal Dates

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23798
FILED: 05/29/2001, 14:16
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to establish, delete, and modify renewal dates for professions that the Division gained or lost as a result of numerous 2001 legislative bills (see S.B. 25, S.B. 59, S.B. 60, S.B. 104, H.B. 73, and H.B. 105).
(**DAR Note:** S.B. 25 is found at 2001 Utah Laws 91 and will be effective July 1, 2001; S.B. 59 is found at 2001 Utah Laws 100 and was effective April 30, 2001; S.B. 60 is found at 2001 Utah Laws 237 and was effective April 30, 2001; S.B. 104 is found at 2001 Utah Laws 40 and was effective April 30, 2001; H.B. 73 is found at 2001 Utah Laws 281 and was effective April 30, 2001; and H.B. 105 is found at 2001 Utah Laws 204 and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: Renewal dates were added for the following professions: athlete agent, electrologist instructor, electrology school, esthetician, esthetician instructor, esthetics school, genetic counselor, master esthetician, nail technologist, nail technology instructor, nail technology school, certified marriage and family intern, certified professional counselor intern, funeral service apprentice, and psychology resident. The renewal date for boxing licensees was deleted. Subsection R156-1-308a(2) was added to this section regarding non-standard renewal terms for certain professions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The Division will incur minimal costs, less than $100, to reprint the rules once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
❖LOCAL GOVERNMENTS: The proposed rule does not apply to local governments.
❖OTHER PERSONS: This proposed rule does not impose any costs or savings on the regulated professions. The amendments being proposed only clarify and establish the renewal dates for the professions identified. It should be noted that the renewal of licensure and payment of renewal fees is a requirement of the statutes which govern the regulated professions.
COMPLIANCE COSTS FOR AFFECTED PERSONS: These proposed rules do not impose any costs or savings on the regulated professions. The amendments being proposed only clarify and establish the renewal dates for the professions identified. It should be noted that the renewal of licensure and payment of renewal fees is a requirement of the statutes which govern the regulated professions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Regulated professions will be required to pay renewal fees prior to the license expiration date which is identified in this rule filing. Renewal dates have been changed or added but licensure is required by the statutes. Ted Boyer, Jr.

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:
Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.lpoe@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-1. General Rules of the Division of Occupational and Professional Licensing.
R156-1-308a. Renewal Dates.
(1) The following standard two-renewal cycle renewal dates are established by license classification in accordance with the Subsection 58-1-308(1):

TABLE
RENEWAL DATES

(1)	Acupuncturist	May 31	even years
(2)	Advanced Practice Registered Nurse	January 31	even years
(3)	Animal Euthanasia Agency	May 31	odd years

(4) Alternate Dispute Resolution Provdr	September 30	even years
(5) Analytical Laboratory	May 31	odd years
(6) Architect	May 31	even years
(7) Athlete Agent	September 30	even years
([~~7~~]8) Audiologist	May 31	odd years
[~~(8) Boxing Licensee~~	~~December 31~~	~~even years~~]
(9) Branch Pharmacy	May 31	odd years
(10) Building Inspector	July 31	odd years
(11) Burglar Alarm Security	July 31	even years
(12) C.P.A. Firm	September 30	even years
(13) Certified Shorthand Reporter	May 31	even years
(14) Certified Dietitian	September 30	even years
(15) Certified Nurse Midwife	January 31	even years
(16) Certified Public Accountant	September 30	even years
(17) Certified Registered Nurse Anesthetist	January 31	even years
(18) Certified Social Worker	September 30	even years
(19) Chiropractic Physician	May 31	even years
(20) Clinical Social Worker	September 30	even years
(21) Construction Trades Instructor	July 31	odd years
(22) Contractor	July 31	odd years
(23) Controlled Substance Precursor Distributor	May 31	odd years
(24) Controlled Substance Precursor Purchaser	May 31	odd years
(25) Cosmetologist/Barber	September 30	odd years
(26) Cosmetology/Barber School	September 30	odd years
(27) Deception Detection	July 31	even years
(28) Dental Hygienist	May 31	even years
(29) Dentist	May 31	even years
(30) Electrician Apprentice, Journeyman, Master, Residential Journeyman, Residential Master	July 31	even years
(31) Electrologist	September 30	odd years
(32) Electrologist Instructor	September 30	odd years
(33) Electrology School	September 30	odd years
([~~32~~]34) Environmental Health Scientist	May 31	odd years
(35) Esthetician	September 30	odd years
(36) Esthetician Instructor	September 30	odd years
(37) Esthetics School	September 30	odd years
([~~33~~]38) Factory Built Housing Dealer	September 30	even years
([~~34~~]39) Funeral Service Director	May 31	even years
([~~35~~]40) Funeral Service Establishment	May 31	even years
(41) Genetic Counselor	September 30	even years
([~~36~~]42) Health Care Assistant	November 30	even years
([~~37~~]43) Health Facility Administrator	May 31	odd years
([~~38~~]44) Hearing Instrument Specialist	September 30	even years
([~~39~~]45) Hospital Pharmacy	May 31	odd years
([~~40~~]46) Institutional Pharmacy	May 31	odd years
([~~41~~]47) Landscape Architect	May 31	even years
([~~42~~]48) Licensed Practical Nurse	January 31	even years
([~~43~~]49) Licensed Substance Abuse Counselor	May 31	odd years
([~~44~~]50) Marriage and Family Therapist	September 30	even years
([~~45~~]51) Massage Apprentice, Therapist	May 31	odd years
(52) Master Esthetician	September 30	odd years
(53) Nail Technologist	September 30	odd years
(54) Nail Technology Instructor	September 30	odd years
(55) Nail Technology School	September 30	odd years
([~~46~~]56) Naturopath/Naturopathic Physician	May 31	even years
([~~47~~]57) Nuclear Pharmacy	May 31	odd years
([~~48~~]58) Occupational Therapist	May 31	odd years
([~~49~~]59) Occupational Therapy Assistant	May 31	odd years
([~~50~~]60) Optometrist	September 30	even years
([~~5~~]61) Osteopathic Physician and Surgeon	May 31	even years
([~~5~~]62) Out of State Mail Order Pharmacy	May 31	odd years
([~~5~~]63) Pharmaceutical Administration Facility	May 31	odd years
([~~5~~]64) Pharmaceutical Dog Trainer	May 31	odd years
([~~5~~]65) Pharmaceutical Manufacturer	May 31	odd years
([~~5~~]66) Pharmaceutical Researcher	May 31	odd years
([~~5~~]67) Pharmaceutical Teaching Organization	May 31	odd years
([~~5~~]68) Pharmaceutical Wholesaler/Distributor	May 31	odd years
([~~5~~]69) Pharmacist	May 31	odd years
([~~6~~]70) Pharmacy Technician	May 31	odd years
([~~6~~]71) Physical Therapist	May 31	odd years
([~~6~~]72) Physician Assistant	May 31	even years
([~~6~~]73) Physician and Surgeon	January 31	even years
([~~6~~]74) Plumber Apprentice, Journeyman, Residential Apprentice, Residential Journeyman	July 31	even years
([~~6~~]75) Podiatric Physician	September 30	even years
([~~6~~]76) Pre Need Funeral Arrangement Provider	May 31	even years
([~~6~~]77) Pre Need Funeral Arrangement Sales Agent	May 31	even years
([~~6~~]78) Private Probation Provider	May 31	odd years
([~~6~~]79) Professional Counselor	September 30	even years
[~~(70) Professional Employer Organization~~	~~September 30~~	~~every year~~]
([~~71~~]80) Professional Engineer	December 31	even years
([~~72~~]81) Professional Land Surveyor	December 31	even years
([~~73~~]82) Professional Structural Engineer	December 31	even years
([~~74~~]83) Psychologist	September 30	even years
([~~75~~]84) Radiology Practical Technician	May 31	odd years
([~~76~~]85) Radiology Technologist	May 31	odd years
([~~77~~]86) Recreational Therapy Technician, Specialist, Master Specialist	May 31	odd years
([~~78~~]87) Registered Nurse	January 31	odd years
([~~79~~]88) Respiratory Care Practitioner	September 30	even years
([~~80~~]89) Retail Pharmacy	May 31	odd years
([~~81~~]90) Security Personnel	July 31	even years
([~~83~~]91) Social Service Worker	September 30	even years
([~~84~~]92) Speech-Language Pathologist	May 31	odd years
([~~85~~]93) Veterinarian	September 30	even years
([~~86~~]94) Veterinary Pharmaceutical Outlet	May 31	odd years

(2) The following non-standard renewal terms and renewal or extension cycles are established by license classification in accordance with Subsection 58-1-308(1) and in accordance with specific requirements of the license:

(a) Certified Marriage and Family Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(b) Certified Professional Counselor Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed

two years past the date the minimum supervised experience requirement has been completed.

(c) Funeral Service Apprentice licenses shall be issued for a two year term and may be extended for an additional two year term if the licensee presents satisfactory evidence to the division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(d) Professional Employer Organization licenses expire every year on September 30.

(e) Psychology Resident licenses shall be issued for a two year term and may be extended if the licensee presents satisfactory evidence to the division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

KEY: diversion programs, licensing, occupational licensing
[~~January 4,~~]2001 58-1-106(1)
Notice of Continuation June 2, 1997 58-1-308

Commerce, Occupational and Professional Licensing

R156-5a

Podiatric Physician Licensing Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23797
FILED: 05/29/2001, 08:53
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to make changes in the rules to bring the Division into compliance with the Podiatric Medicine Licensing (PMLexis) examination requirements and to add a section regarding radiology course requirements for unlicensed assistants to take podiatric X-rays.

SUMMARY OF THE RULE OR CHANGE: Section R156-5a-302b was amended to add eligibility requirements to sit for the Podiatric Medicine Licensing (PMLexis) examination. Section R156-5a-305 was added to define the radiology course requirements for unlicensed assistants in a podiatry office to take podiatric X-rays.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-5a-101, 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 $50, to reprint the rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

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

❖OTHER PERSONS: Podiatric physicians and unlicensed assistants working in podiatry offices taking podiatric X-rays: Subsection 58-54-4.3(3) requires that unlicensed assistants taking podiatric X-rays complete a radiology course approved by the Podiatric Physician Board. The cost of the required training will be free for members of the Utah Podiatric Medical Association and $50 per person for nonmembers of the association. The costs incurred may either be paid by the podiatric physician on behalf of the unlicensed assistant or the unlicensed assistant depending on the arrangements of each office. The Division is unable to determine the number of unlicensed assistants in podiatry offices that will be affected by this requirement. It should be noted that trained assistants taking necessary podiatric X-rays could reduce liability, resulting in potential savings to the podiatric physician.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Podiatric physicians and unlicensed assistants working in podiatry offices taking podiatric X-rays: Subsection 58-54-4.3(3) requires that unlicensed assistants taking podiatric X-rays complete a radiology course approved by the Podiatric Physician Board. The cost of the required training will be free for members of the Utah Podiatric Medical Association and $50 per person for nonmembers of the association. The costs incurred may either be paid for by the podiatric physician on behalf of the unlicensed assistant or the unlicensed assistant depending on the arrangements of each office.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost of the required training by podiatric physicians will be free for members of the Utah Podiatric Medical Association and $50 for nonmembers. Trained assistants taking necessary X-rays could reduce liability, resulting in cost savings to the practitioners. Initial licensure fees and the podiatric testing agency fees will not change. Utah law requires Board approved training for unlicensed assistants. All podiatric physicians will be required to have trained personnel take X-rays. Ted Boyer, Jr.

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

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

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

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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-5a. Podiatric Physician Licensing Act Rules.
R156-5a-302b. Qualifications for Licensure - Examination Requirements.

(1) In accordance with Subsection 58-1-203(2) and 58-1-301(3), the examination requirements for licensure in Section 58-5a-302 are established as follows:

([~~1~~]a) the National Board of Podiatric Medical Examiners examination;

([~~2~~]b) the Podiatric Medicine Licensing examination (PMLexis); and

([~~3~~]c) the Utah Podiatric law examination.

(2) To be eligible to sit for the PMLexis, an applicant must submit the following to the Division:

(a) an application for licensure as a podiatric physician;

(b) licensing application fee;

(c) a transcript indicating completion of an approved podiatric program; and

(d) a copy of the test application submitted to PMLexis.

R156-5a-305. Radiology Course for Unlicensed Podiatric Assistants.

In accordance with Subsection 58-54-4.3(3), radiology courses for an unlicensed person performing services under the supervision of a podiatric physician shall include radiology theory consisting of the following:

(1) orientation of radiation technology;

(2) terminology;

(3) radiographic podiatric anatomy and pathology (cursory);

(4) radiation physics (basic);

(5) radiation protection to patient and operator;

(6) radiation biology including interaction of ionizing radiation on cells and tissues and matter;

(7) factor influencing biological response to cells and tissues to ionizing radiation and cumulative effects of x-radiation;

(8) external radiographic techniques;

(9) processing techniques including proper disposal of chemicals; and

(10) infection control in podiatric radiology.

KEY: licensing, podiatrists, podiatric physician*
[~~1994~~]2001 **58-1-106(1)**
Notice of Continuation March 2, 1999 **58-1-202(1)**
58-5a-101

Commerce, Occupational and Professional Licensing
R156-9a
Uniform Athlete Agents Act Rules

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 23796
FILED: 05/24/2001, 16:05
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Title 15, Chapter 9, was enacted by the 2001 Legislature (see S.B. 60) to regulate athlete agents. The Division of Occupational and Professional Licensing was given the responsibility of regulation of this profession. A new rule is enacted to clarify the provisions of Title 15, Chapter 9.
(**DAR Note:** S.B. 60 is found at 2001 Utah Laws 237 and was effective on April 30, 2001)

SUMMARY OF THE RULE OR CHANGE: The new rule provides for the following: title, definitions, authority, organization-relationship to Rule R156-1, renewal cycle-procedures, and definitions of unprofessional conduct.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 15-9-103(1)(b) and 58-1-106(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The Division will incur minimal costs, less than $25, to print this rule once it is made effective. Any costs incurred will be absorbed in the Division's current budget.
❖LOCAL GOVERNMENTS: The proposed rule does not apply to local governments.
❖OTHER PERSONS: Athlete Agents: This profession is now required to be licensed as a result of Title 15, Chapter 9. Athlete Agents will be charged an initial application fee of $500 and a renewal fee of $500 every 2 years. It should be noted that these fees are not a result of these proposed rules, but rather the enactment of legislation. The Division is unable to determine how many athlete agents may become licensed in Utah. This proposed rule does not impose any

costs or savings on the athlete agents. They merely clarify the requirements of Title 15, Chapter 9, and reduce problems that athlete agent applicants may face in understanding what is required by the Uniform Athlete Agents Act.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Athlete Agents: This profession is now required to be licensed as a result of Title 15, Chapter 9. Athlete Agents will be charged an initial application fee of $500 and a renewal fee of $500 every 2 years. It should be noted that these fees are not a result of this proposed rule, but rather the enactment of legislation. The Division is unable to determine how many athlete agents may become licensed in Utah. This proposed rule does not impose any costs or savings on the athlete agents.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is estimated that the costs to individuals/businesses affected by the adoption of this rule will be minimal. Ted Boyer. Jr.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Clyde Ormond at the above address, by phone at (801) 530-6256, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.cormond@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/21/2001, 9:00 a.m., 160 East 300 South, Conference Room 4B (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-9a. Uniform Athlete Agents Act Rules.
R156-9a-101. Title.
These rules shall be known as the "Uniform Athlete Agents Act Rules".

R156-9a-102. Definitions.
(1) "Unprofessional conduct" as defined in Title 58, Chapter 1 and Title 15, Chapter 9, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-9a-502.

R156-9a-103. Authority.
These rules are adopted by the Division under the authority of Subsection 58-1-106(1) to enable the Division to administer Title 15, Chapter 9.

R156-9a-104. Organization - Relationship to Rule R156-1.
The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-9a-303. Renewal Cycle - Procedure.
(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 15, Chapter 9 is established by rule in Section R156-1-308a.
(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-9a-502. Unprofessional Conduct.
"Unprofessional conduct" includes:
(1) failing as an athlete agent to notify an educational institution in accordance with the requirements of Section 15-9-111;
(2) failing to retain for a period of five years any records containing the names, addresses, direct costs and agency contracts of each individual represented by the athlete agent;
(3) failing to allow Division investigative staff access to any records in accordance with Section 15-9-113; and
(4) failing as an athlete agent to comply with the requirements of Section 15-9-110.

KEY: licensing, athlete agent*
2001 **15-9-103(1)(b)**
58-1-106(1)

◆ ◆

Commerce, Occupational and Professional Licensing
R156-38
Residence Lien Restriction and Lien Recovery Fund Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23799
FILED: 05/29/2001, 16:02
RECEIVED BY: NL

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to update the rule to comply with legislative changes made to Title 38, Chapter 11, as a result of S.B. 254 during the 2001 legislative session.
(**DAR Note:** S.B. 254 is found at 2001 Utah Laws 198, and was effective on April 30, 2001)

SUMMARY OF THE RULE OR CHANGE: Section R156-38-102, Definitions: New definitions were added for "construction project," "contracting entity" and "homeowner." Changes were made throughout the rule to change "owner of the owner-occupied residence" to "homeowner" and "original contractor and real estate developer" to "contracting entity." Also updated statutory citations throughout the rule. In Section R156-38-108, added that this section also applies to a factory-built-housing retailer. Added Section R156-38-109 with respect to the format for form affidavit and motion. Section R156-38-203 was deleted and replaced with new wording with respect to limitation on payment of claims. Section R156-38-204d, added a new Subsection R156-38-204d(2) regarding when a claimant requests payment of multiple claims supported by a single judgment or other documentation and the judgment or documentation does not differentiate costs and attorney fees by owner-occupied residence. In Section R156-38-301, added that the following contractor license classifications are exempt from the provisions of the Title 38, Chapter 11: S213-Industrial Piping Contractor, and S321-Steel Reinforcing Contractor.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 38-11-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Residence Lien Recovery Fund will incur minimal costs, less than $100, to reprint the rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Fund's budget. The budget of the Division of Occupational and Professional Licensing is not affected since the Lien Recovery Fund is a stand-alone entity.

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

❖OTHER PERSONS: The Division estimates that individual homeowners could save between $1,000 and $3,000 in attorney fees as a result of the statutory changes and these associated rule amendments. The statutory changes made to Title 38, Chapter 11, also removed the lifetime cap for repayment to qualified beneficiaries (companies or laborers). Therefore, it could be concluded that the qualified beneficiaries may be able to recover more of their losses as a result of the statutory changes and these rule amendments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division estimates that individual homeowners could save between $1,000 and $3,000 in attorney fees as a result of the statutory changes and these associated rule amendments. The statutory changes made to Title 38, Chapter 11, also removed the lifetime cap for repayment to qualified beneficiaries (companies or laborers). Therefore, it could be concluded that the qualified beneficiaries may be able to recover more of their losses as a result of the statutory changes and these rule amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in the rule, according to the Division, are made for the purpose of complying with legislative changes in S.B. 254 of the 2001 legislative session. In making these changes, it is estimated that the compliance costs for affected persons will be minimal. The attached fiscal note states that individual homeowners could save between $1,000 and $3,000 in attorney fees associated with enforcing the homeowner protection provisions of the legislation. It is noted that the bill removes the lifetime cap for repayment to qualified beneficiaries (companies or laborers) and some may be able to recover more of their losses. Ted Boyer, Jr.

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:
Earl Webster at the above address, by phone at (801) 530-7632, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.ewebster@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/11/2001, 8:00 a.m., 160 East 300 South, Conference Room 451 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-38. Residence Lien Restriction and Lien Recovery Fund Rules.
R156-38-102. Definitions.

In addition to the definitions in Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act; Title 58, Chapter 1, Division of Occupational and Professional Licensing Act; and Rule R156-1, General Rules of the Division of Occupational and Professional Licensing, which shall apply to these rules, as used in these rules:

(1) "Claimant" means a person who submits an application or claim for payment from the fund.

(2) "Construction project", as used in Subsection 38-11-203(4), means all qualified services related to the written contract required by Subsection 38-11-204(3)(a).

(3) "Contracting entity" means an original contractor, a factory built housing retailer, or a real estate developer that contracts with a homeowner.

(4) "Homeowner" means the owner of an owner-occupied residence.

(5) "Necessary party" includes the division, on behalf of the fund, and the claimant.

([~~3~~]6) "Owner", as defined in Subsection 38-11-102([~~12~~]15), does not include any person or developer who builds residences [~~which~~]that are offered for sale to the public.

([~~4~~]7) "Permissive party" includes a licensee or qualified beneficiary who will be required to reimburse the fund if a claimant's claim is paid from the fund.

R156-38-108. Notification of Rights under Title 38, Chapter 11.

(1) A notice in substantially the following form shall prominently appear in an easy-to-read type style and size in every contract between an original contractor and homeowner and in every notice [~~of~~]to hold and claim filed under Section 38-1-7 against a homeowner[~~the owner of an owner-occupied residence~~] or against an owner-occupied residence:

"X. PROTECTION AGAINST LIENS AND CIVIL ACTION. Notice is hereby provided in accordance with Section 38-11-108 of the Utah Code that under Utah law an "owner" may be protected against liens being maintained against an "owner-occupied residence" and from other civil action being maintained to recover monies owed for "qualified services" performed or provided by suppliers and subcontractors as a part of this contract, if and only if the following conditions are satisfied:

(1) the owner entered into a written contract [~~with either~~]an original contractor, a factory built housing retailer, or a real estate developer[~~ or an original contractor~~];

(2) the original contractor was properly licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act at the time the contract was executed; and

(3) the owner paid in full the original contractor, factory built housing retailer, or real estate developer or their successors or assigns in accordance with the written contract and any written or oral amendments to the contract."

R156-38-109. Format for Form Affidavit and Motion.

The form affidavit and motion required under Subsection 38-1-11(4) shall be prepared by the Office of the Attorney General after consultation with the director. The form shall be an answer, affidavit, and motion for summary judgment that is clearly written and easy to understand. The form shall solicit all necessary information to determine if a homeowner is entitled to the defense provided for in Section 38-11-107.

R156-38-203. [~~Credit to Claimant Lifetime Cap~~]Limitation on Payment of Claims.

[~~Amounts collected by subrogation under Section 38-11-205 subsequent to a payment from the fund shall be credited to the lifetime cap of a qualified beneficiary or laborer under Subsection 38-11-203(4)(a)(ii) less the costs incurred by the Attorney General in subrogation efforts.~~](1) Claims may be paid prior to the pro-rata adjustment required by Subsection 38-11-203(4)(b) if, based upon an evaluation of the notices of commencement of action filed with respect to an owner-occupied residence or the total claim filings on an owner-occupied residence, the division determines that a pro-rata payment will likely not be required.

(2) If any claims have been paid before the division determines a pro-rata payment will likely be required, the division will notify the claimants of the likely adjustment and that the claimants will be required to reimburse the division when the final pro-rata amounts are determined.

R156-38-204a. Claims Against the Fund by Nonlaborers - Supporting Documents and Information.

The following supporting documents shall, at a minimum, accompany each nonlaborer claim for recovery from the fund:

(1) one of the following:

(a) a copy of the written contract between the homeowner and the contracting entity; or[~~:~~

~~(i) between the owner of the owner-occupied residence or the owner's agent and the original contractor for the performance of qualified services, to obtain the performance of qualified services by others, or for the supervision of the performance by others of qualified services in construction on the residence; or~~

~~(ii) between the owner of the owner-occupied residence or the owner's agent and the real estate developer for the purchase of an owner-occupied residence; or~~]

(b) a copy of a civil judgment containing a finding that the homeowner [~~of the owner-occupied residence~~]entered into a written contract in compliance the requirements of Subsection 38-11-204(3)(a);

(2) if the claim involves an original contractor, documentation that the original contractor is licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

(3) one of the following:

(a) an affidavit from the contracting entity[~~original contractor or real estate developer~~] acknowledging that the homeowner [~~of the owner-occupied residence~~]paid the contracting entity[~~original contractor or real estate developer~~] in full in accordance with the written contract and any amendments to the contract;

(b) a copy of a civil judgment containing a finding that the homeowner [~~of the owner-occupied residence~~]paid the contracting entity[~~original contractor or real estate developer~~] in full in accordance with the written contract and any amendments to the contract; or

(c) documentation that the claimant has been prevented from satisfying Subsections (a) and (b), together with independent evidence establishing that the homeowner [~~of the owner-occupied residence~~]paid the contracting entity[~~original contractor or real estate developer~~] in full in accordance with the written contract and any amendments to the contract;

(4) one or more of the following as required:

(a) a copy of an action date stamped by a court of competent jurisdiction filed by the claimant against a contracting entity or[~~an original contractor,~~] subcontractor [~~or real estate developer~~]as described in Subsection 38-11-204(3)(c) to recover monies owed for qualified services performed on the owner-occupied residence, filed within 180 days from the date the claimant last provided qualified services; [~~and~~]or

(b) a copy of the Notice of Commencement of Action filed with the division; or

(c) documentation that a bankruptcy filing by the contracting entity or[~~original contractor,~~] subcontractor [~~or real estate developer~~]prevented claimant from satisfying Subsections (a) and (b);

(5) one of the following:

(a) a copy of a civil judgment entered in favor of claimant against the contracting entity or[~~original contractor,~~] subcontractor [~~or real estate developer~~]containing a finding that the contracting entity or[~~original contractor,~~] subcontractor [~~or real estate developer~~

]failed to pay the claimant pursuant to their contract with the claimant and any amendments to the contract; or

(b) documentation that a bankruptcy filing by the contracting entity or[~~original contractor,~~] subcontractor [~~or real estate developer~~]prevented the claimant from obtaining such a civil judgment, together with independent evidence establishing that the contracting entity or[~~original contractor,~~] subcontractor [~~or real estate developer~~]failed to pay the claimant pursuant to their contract with the claimant and any amendments to the contract;

(6) one or more of the following as required:

(a) a copy of a supplemental order issued following the civil judgment entered in favor of claimant[~~;~~

~~(b)~~] and a copy of the return of service of the supplemental order indicating either that service was accomplished on the contracting entity or subcontractor[~~original contractor, subcontractor or real estate developer~~] or that said contracting entity or subcontractor [~~or developer~~]could not be located or served;

([~~c~~]b) a writ of execution issued if any assets are identified through the supplemental order or other process, which have sufficient value to reasonably justify the expenditure of costs and legal fees which would be incurred in preparing, issuing, and serving execution papers and in holding an execution sale; [~~and~~]or

([~~d~~]c) documentation that a bankruptcy filing or other action by the contracting entity or subcontractor[~~original contractor or real estate developer~~] prevented the claimant from satisfying Subparagraphs (a) and (b)[~~through (d)~~];

(7) certification that the claimant is not entitled to reimbursement from any other person at the time the claim is filed and that the claimant will immediately notify the presiding officer if the claimant becomes entitled to reimbursement from any other person after the date the claim is filed; and

(8) one of the following:

(a) an affidavit from the homeowner establishing that he[~~the owner~~] is an owner as defined in Subsection 38-11-102([~~12~~]15) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102([~~13~~]16);

(b) a copy of a civil judgment containing a finding that the homeowner is an owner as defined by Subsection 38-11-102([~~12~~]15) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102([~~13~~]16); or

(c) documentation that the claimant has been prevented from obtaining an owner-occupied residence affidavit together with independent evidence establishing that the homeowner is an owner as defined by Subsection 38-11-102([~~12~~]15) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102([~~13~~]16).

(9) one or more of the following:

(a) a copy of invoices [~~supporting the qualified services~~]setting forth a description of, the performance dates of, and the value of the qualified services claimed;

(b) a copy of a civil judgment containing a finding [~~as to the dates the qualified services claimed were provided and the value of the qualified services claimed~~]setting forth a description of, the performance dates of, and the value of the qualified services claimed; or

(c) independent evidence [~~of the dates the qualified services were provided and the value of the claimed qualified services~~]setting forth a description of, the performance dates of, and the value of the qualified services claimed.

(10) In claims in which the presiding officer determines that the claimant has made a reasonable but unsuccessful effort to produce all documentation specified under this rule to satisfy any requirement to recover from the fund, the presiding officer may elect to accept the evidence submitted by the claimant if the requirements to recover from the fund can be established by that evidence.

(11) A separate claim must be filed for each residence[~~;~~] and a separate filing fee must be paid for each claim.

R156-38-204b. Format for Notice of Commencement of Action.

The Notice of Commencement required under Subsection R156-38-204a(5)(b) shall be in substantially the following format:

TABLE I

```
BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
                OF THE DEPARTMENT OF COMMERCE
                     OF THE STATE OF UTAH

    John Doe,                       :     Notice of Commencement
         Plaintiff                  :            of Action
                                    :
              -vs-                  :     NCA No.
                                    :
    Richard Roe,                    :
         Defendant                  :

    Notice is hereby provided of the filing of Case No. (number) on
(date) before (Court).

    Brief explanation of nature of case:

    Address of defendant:

    Name and address of potential fund claimant:

    Name and address of original contractor, subcontractor, [and/or
]real estate developer, and/or factory built housing retailer
described in Subsection 38-11-204(3)(c):

    For each owner-occupied residence included in the civil action:

            Name and address of the owner of the owner-occupied
residence;

         Street address of the owner-occupied residence;

             Amount of damages sought against the owner-occupied
residence;

         Last date qualified services were provided for the owner-
occupied residence by the potential fund claimant:

                                Signature of Claimant or claimant's
representative

                           Date of signature
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R156-38-204c. Claims Against the Fund by Laborers - Supporting Documents.

(1) The following supporting documents shall, at a minimum, accompany each laborer claim for recovery from the fund:

(a) one of the following:

(i) a copy of a wage claim assignment filed with the Industrial Commission of the Utah Labor Division for the amount of the claim, together with all supporting documents submitted in conjunction therewith; or

(ii) a copy of an action filed by claimant against claimant's employer to recover wages owed;

(b) one of the following:

(i) a copy of a final administrative order for payment issued by the Industrial Commission of Utah Labor Division containing a finding that the claimant is an employee and that the claimant has not been paid wages due for work performed at the site of construction on an owner-occupied residence;

(ii) a copy of a civil judgment entered in favor of claimant against the employer containing a finding that the employer failed to pay the claimant wages due for work performed at the site of construction on an owner-occupied residence; or

(iii) a copy of a bankruptcy filing by the employer which prevented the entry of an order or a judgment against the employer;

(c) one of the following:

(i) an affidavit from the homeowner establishing that he[~~the owner~~] is an owner as defined in Subsection 38-11-102([~~12~~]15) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102([~~13~~]16);

(ii) a copy of a civil judgment containing a finding that the homeowner is an owner as defined by Subsection 38-11-102([~~12~~]15) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102([~~13~~]16); or

(iii) documentation that the claimant has been prevented from obtaining an owner-occupied residence affidavit together with independent evidence establishing that the owner is an owner as defined by Subsection 38-11-102([~~12~~]15) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102([~~13~~]16).

(2) When a laborer makes claim on multiple residences as a result of a single incident of non-payment by the same employer, the division must require payment of at least one application fee required under Section 38-11-204(1)(b) and at least one registration fee required under Subsection 38-11-204([~~5~~]7), but may waive additional application and registration fees for claims for the additional residences, where no legitimate purpose would be served by requiring separate filings.

R156-38-204d. Calculation of Costs, Attorney Fees and Interest for Payable Claims.

(1) Payment for qualified services, costs, and interest shall be made as specified in Section 38-11-203.

(2) When a claimant requests payment of multiple claims supported by a single judgment or other common documentation and the judgment or documentation does not differentiate costs and attorney fees by owner-occupied residence, the amount of costs and attorney fees shall be allocated among the related claims using the following formula: (Qualified services attributable to the owner-occupied residence divided by Total qualified services awarded as judgment principal or total documented qualified services) x Total costs or total attorney fees.

(3) For claims determined by the division to be payable from the fund, the division shall order payment of attorney fees in an aggregate amount not exceeding the following:

(a) If a civil judgment awards a specific dollar amount for attorney fees, the division shall order payment as ordered in the civil judgment, to the extent that the attorney fees are attributable to the owner-occupied residence at issue in the claim.

(b) Otherwise, the division shall order payment of reasonable attorney fees, documented according to the provisions of Rule 4-505, Utah Code of Judicial Administration, subject to the following limitations:

(i) if the payable amount of qualified services is $3,000 or less, not more than 33% of the value of the qualified services and not exceeding $750;

(ii) if the payable amount of qualified services is greater than $3,000 and $10,000 or less, not more than 25% of the value of qualified services and not exceeding $2,000; or

(iii) if the payable amount of qualified services is greater than $10,000, attorney fees in an amount of not more than 20% of the value of qualified services and not exceeding $7,000.

([~~3~~]iv) The above limits may be waived by the director in those unique claims where manifest injustice would otherwise result. The burden is on the claimant to demonstrate manifest injustice.

(4) Post-judgment costs shall be limited to those costs allowable by a district court, such as costs of service, garnishments, or executions, and shall not include postage, copy expenses, telephone expenses, or other costs related to the preparation and filing of the claim application.

R156-38-301. Registration as a Qualified Beneficiary - All License Classifications Required to Register Unless Specifically Exempted - Exempted Classifications.

(1) All license classifications of contractors are determined to be regularly engaged in providing qualified services for purposes of automatic registration as a qualified beneficiary, as set forth in Subsections 38-11-301(1) and (2), with the exception of the following license classifications:

TABLE II

Primary Classification Number	Subclassification Number	Classification
E100		General Engineering Contractor
	S211	Boiler Installation Contractor
	S213	Industrial Piping Contractor
	S262	Granite and Pressure Grouting Contractor
S320		Steel Erection Contractor
	S321	Steel Reinforcing Contractor
	S322	Metal Building Erection Contractor
	S323	Structural Stud Erection Contractor
S340		Sheet Metal Contractor
S360		Refrigeration Contractor
S440		Sign Installation Contractor
	S441	Non Electrical Outdoor Advertising Sign Contractor
S450		Mechanical Insulation Contractor
S470		Petroleum System Contractor
S480		Piers and Foundations Contractor
I101		General Engineering Trades Instructor
I102		General Building Trades Instructor
I103		General Electrical Trades Instructor
I104		General Plumbing Trades Instructor
I105		General Mechanical Trades Instructor

(2) Any person holding a license requiring registration in the fund that is on inactive status on the assessment date of any special assessment of the fund, shall be exempt from payment of that specific assessment and any assessment made during the time the license remains on inactive status and the licensee does not engage in the licensed occupation or profession.

(3) Before a licensee on inactive status, who would otherwise be required to pay an assessment, can be reinstated to an active status, the licensee must pay:

(a) the initial assessment of $195 assessed July 1, 1995, if that assessment has never been paid by that licensee; and

(b) the most recent special assessment immediately preceding the date on which the license is reinstated to active status.

KEY: licensing, contractors, liens
[~~September 16, 1999~~]2001 **38-11-101**
Notice of Continuation April 6, 2000 **58-1-106(1)**
58-1-202(1)

Environmental Quality, Water Quality
R317-100
Utah State Project Priority System and List for the Utah Wastewater Project Assistance Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23785
FILED: 05/18/2001, 16:31
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Authority is granted under Sections 73-10c-4.5 and 19-5-104. The proposed amendment provides criteria to be used for prioritizing underground wastewater disposal system, nonpoint source, and point source pollution control projects which are candidates for funding through the Utah State Wastewater Project Assistance Program.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment revises the priority ranking criteria for wastewater projects and explains the priority system.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--The proposed changes will be addressed using existing staff and resources.
❖LOCAL GOVERNMENTS: The proposed amendment enables local governments to have their wastewater projects ranked in a priority fashion with other similar projects. This ranking will provide for the funding of the highest priority projects.
❖OTHER PERSONS: The proposed amendment will allow the water pollution control project of individuals to be ranked against similar projects. This ranking will provide for the funding of the highest priority projects.
COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are anticipated as a result of the amendment. The proposed amendment enables eligible projects to apply for wastewater funding. Compliance costs to individuals will be reduced if funding can be secured from the Water Quality Board.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment will have no impact on businesses as they are not eligible for the loan program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Walt Baker at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at wbaker@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/28/2001, 10:00 a.m., Cannon Health Building, 288 North 1460 West, Room 114, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2001

AUTHORIZED BY: Dianne R. Nielson, Executive Director

R317. Environmental Quality, Water Quality.
R317-100. Utah State Project Priority System[~~ and List~~] for the Utah Wastewater Project Assistance Program.
R317-100-1. [~~Incorporation by Reference~~]Project Priority System.

[~~The Fiscal Year 2001 Utah State Project Priority List, dated June 30, 2000 adopted by the Utah Water Quality Board pursuant to Section 19-5-104 and pursuant to 40 CFR 35.915, is hereby incorporated by reference and made a part of these regulations.~~]This rule is necessary to meet requirements of Federal Water Quality Act, 40 CFR 35.3115 and Section 19-5-104(f) of the Utah Code. Copies of the Fiscal Year [~~2001~~]2002 Utah State Project

Priority List are available at the Utah Department of Environmental Quality, Division of Water Quality.

R317-100-2. General.

A. The Project Priority System is used to prioritize[~~rank municipal water pollution control~~] projects[~~ on the Project Priority List~~] to allocate wastewater revolving loan and grant funds which may be available through the state and federal governments. The priority system is intended to identify those projects which will remedy the most severe water quality problems and to provide funds for the most beneficial program of public health protection and water quality improvement.[~~The general criteria used in developing the State Priority System are defined in the Federal Water Pollution Control Act Amendments of 1981 and EPA regulations 40 CFR 35.2015. Criteria which may not be considered in rating projects include a project's location within the state, financial hardship, future population growth, and development needs not related to pollution abatement.~~

~~B. The objective in preparing and maintaining the list is to identify, by priority, municipalities in the State with wastewater treatment needs. The priority system is thereby intended to identify those municipalities which currently have the most severe wastewater treatment problems and to provide funds for the most beneficial program of public health protection and water quality improvement.~~]

B. The Project Priority System will prioritize non-point source pollution, point source pollution (both storm water and municipal wastewater), and underground wastewater disposal system projects which are candidates for funding through the Utah State Wastewater Project Assistance Program. All projects considered for funding under this program receive an "alpha" ranking in accordance with R317-100-4. In addition, all point source projects identified on the State Revolving Fund (SRF) Intended Use Plan (IUP) receive a "numeric" ranking under R317-100-3.

R317-100-3. Numeric Project Priority Ranking System.

A. PRIORITY POINT TOTAL

1. A priority number total for a project will be determined by adding the priority points from each of the four priority categories. Total Priority Points = Project Need for Reduction of Water Pollution + Potential for Improvement Factor + Existing Population Affected + Special Consideration. If two or more projects receive an equal number of priority points, such ties shall be broken using the following criteria:

a. The projects shall be ranked in order of the highest "Need for Reduction of Water Pollution."

b. If the tie cannot be broken on the basis of need, the projects shall be ranked in order of the "Potential for Improvement Factor."

c. If the tie cannot be broken on the basis of the above, the project serving the greatest population will be given priority.

B. PROJECT NEED FOR REDUCTION OF WATER POLLUTION

All projects receive the highest applicable point level only.

1. A documented existing substantial health hazard will be eliminated by the project. This may include: (1) discharge of inadequately treated wastewater to an area of immediate public contact where inadequate operation and maintenance is not the primary cause of the condition; (2) an area where a substantial number of failing subsurface disposal systems are causing surfacing sewage in areas of human habitation. The elimination of existing substantial health hazards is of highest priority. The determination of the existence of substantial health hazards shall be based upon the investigation, report, and certification of the local health department and the State Division of Water Quality. Such reports and certifications will be forwarded to EPA with the Priority List. The health hazard designation will normally apply to unsewered communities experiencing widespread septic tank failures and surfacing sewage: 70 points.

2. A raw sewage discharge will be eliminated or prevented: 60 points.

3. The surface water quality standards identified in R317-2 are impaired by an existing discharge. For points to be allotted under this criterion the affected stream segment must be "water quality limited" according to a wasteload analysis and water quality standards. Water quality standards have been established for the waters of Utah according to designated beneficial use classifications. A stream segment is considered to be "water quality limited" if a higher level of treatment than that which is provided by state effluent limitations is required to meet water quality standards. A stream segment is "effluent limited" if water quality standards are met by state imposed effluent limitations: 50 points.

4. The ground water quality standards identified in R317-6 are impaired by an existing discharge. For points to be allotted under this criterion the affected ground water must be impaired according to the numerical criteria outlined in the ground water protection levels established for Class I and II aquifers: 50 points.

5. Construction is needed to provide secondary treatment, or to meet the requirements of a Utah Pollution Discharge Elimination System (UPDES) Permit or Ground Water Discharge Permit, or the Federal Sludge Disposal Requirements: 50 points.

6. Documented water quality degradation is occurring, attributable to failing individual subsurface disposal systems where inadequate operation and maintenance is not the primary cause of the condition: 45 points.

7. Areas not qualifying as an existing substantial health hazard, but where it is evident that inadequate on-site conditions have resulted in the chronic failure of a significant number of individual subsurface disposal systems, causing an ongoing threat to public health or the environment. Points may be awarded in this category only when the Division of Water Quality determines that existing on-site limitations cannot be overcome through the use of approved subsurface disposal practices, or that the cost of upgrading or replacing failed systems to meet the minimum requirements of the local health department are determined to be excessive: 45 points.

8. Treatment plant loading has reached or exceeded 95 percent of design requirements needed to meet conditions of an UPDES Permit or needed to restore designated water use, or design requirements are projected to be exceeded within 5 years by the Division of Water Quality. Points will not be allocated under this criterion where excessive infiltration or inflow is the primary cause for the loading to the system to be at 95 percent or greater of design requirements: 40 points.

9. Existing facilities that do not meet the design requirements in R317-3. Points may be allocated under this category only if the design requirements that are not being met are determined to be fundamental to the ability of the facility to meet water quality standards: 40 points.

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R317-100-4. Alpha Project Priority System.

All projects receive the highest applicable designation only. Projects will be included in one of three categories: A. Underground Wastewater Disposal Systems; B. Non-Point Source Pollution Projects, and C. Point Source Pollution Projects. The projects shall be ranked in order of: 1. Public Health Protection; 2. Water Quality Improvement; 3. Potential for Improvement; and, in the case of point source pollution projects, 4. Future Needs. Funding will be allocated as identified in R317-101, Utah Wastewater Project Assistance Program and R317-102, Utah Wastewater State Revolving Fund (SRF) Program for the categories of projects identified below.

A. UNDERGROUND WASTEWATER DISPOSAL SYSTEM PROJECTS:

1. Public Health Protection

a. Projects that improve or prevent a discharge of inadequately treated wastewater to an area of immediate public contact.

b. Projects that improve or prevent a discharge of inadequately treated wastewater within a zone of protection of a municipal or private drinking water well or that eliminate a drinking water impairment.

2. Water Quality Improvement

a. Projects that restore beneficial uses to surface water identified on the 303(d) Water Quality Impaired Waters list.

b. Projects that improve or prevent pollution to ground water.

3. Potential for Improvement

a. Projects that include improvement or replacement of underground wastewater disposal systems that may prevent degradation to surface water or ground water.

b. Projects that are necessary to comply with state or local underground wastewater disposal rules or regulations, e.g., existing systems that have inadequate ground water separation or are installed in unsuitable soil.

c. Projects that may improve underground wastewater disposal system reliability and function.

B. NON-POINT SOURCE POLLUTION PROJECTS:

1. Public Health Protection

a. Projects that improve or prevent a discharge of inadequately treated wastewater or other polluted water to an area of immediate public contact.

b. Projects that improve or prevent a discharge of inadequately treated wastewater or other polluted water within a zone of protection of a municipal or private drinking water well or that eliminate a drinking water impairment.

2. Water Quality Improvement

a. Projects that restore beneficial uses to surface water identified on the 303(d) Water Quality Impaired Waters list.

b. Projects that improve or prevent other surface water pollution.

c. Projects that improve or prevent ground water pollution.

3. Potential for Improvement

a. Projects that improve non-point sources of pollution from industrial, municipal, private or agricultural systems that may prevent degradation to surface water or ground water.

b. Projects that may prevent degradation to riparian areas, wetlands or that preserve the natural environment.

c. Projects that encourage conservation including wastewater reuse, biosolids reuse or new conservation technologies.

d. Projects that encourage Best Management Practices that may directly or indirectly improve or prevent degradation to surface water or ground water.

C. POINT SOURCE POLLUTION PROJECTS:

1. Public Health Protection

a. Projects that improve or prevent a discharge of inadequately treated wastewater to an area of immediate public contact.

b. Projects that improve or prevent a discharge of inadequately treated wastewater or storm water within a zone of protection of a municipal or private drinking water well or that eliminate a drinking water impairment.

2. Water Quality Improvement

a. Projects that restore beneficial uses to surface water identified on the 303(d) Water Quality Impaired Waters list.

b. Projects that improve or prevent other surface water pollution.

c. Projects that improve or prevent ground water pollution.

d. Projects necessary to achieve water quality standards more stringent than secondary treatment standards.

e. Projects needed to meet secondary treatment standards or that expand systems that are beyond 95 percent of the design capacity or that do not meet current design criteria.

3. Potential for Improvement

a. Projects that improve collection, treatment and disposal systems that may prevent degradation to a surface water or ground water aquifer.

b. Projects that may prevent degradation to riparian areas, wetlands or that preserve the natural environment.

c. Projects that encourage regionalization of treatment systems.

d. Projects that encourage conservation including wastewater reuse, biosolids reuse, or new conservation technologies

4. Future Needs. Projects that may have future needs for the construction, expansion or replacement of collection and treatment systems.

KEY: grants, state assisted loans, wastewater
[~~November 10, 2000~~]2001 19-5
Notice of Continuation December 12, 1997 19-5-104
40 CFR 35.915 and 40 CFR 35.2015

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Environmental Quality, Water Quality
R317-101
Utah Wastewater Project Assistance Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23786
FILED: 05/18/2001, 16:33
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Authority is granted under Section 73-10c-4.5. This rule will establish criteria for the Water Quality Board to identify and fund eligible projects. The proposed amendment enables political subdivisions of the state to apply for funding of stormwater projects under the Utah Wastewater Project Assistance Program.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment adds language to provide for the funding of stormwater projects and redefines who may qualify for loans.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--The proposed changes will be addressed using existing staff and resources.
❖LOCAL GOVERNMENTS: The proposed amendment enables local governments to apply for funding of stormwater pollution control projects under the Utah Wastewater Project Assistance Program. The financing costs of qualifying projects could be reduced as a result of the amendment.
❖OTHER PERSONS: No costs or savings to other persons are anticipated. The proposed amendment applies to political subdivisions of the state which desire to apply for funding assistance.
COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are anticipated as a result of the amendment. The proposed amendment enables local governments to apply for funding of stormwater projects under the Utah Wastewater Project Assistance Program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impacts to businesses are anticipated as a result of the amendment. The proposed amendment enables local governments to apply for funding of stormwater projects under the Utah Wastewater Project Assistance Program.

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

Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Walt Baker at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at wbaker@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/28/2001, 10:00 a.m., Cannon Health Building, 288 North 1460 West, Room 114, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2001

AUTHORIZED BY: Dianne R. Nielson, Executive Director

R317. Environmental Quality, Water Quality.
R317-101. Utah Wastewater Project Assistance Program.

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R317-101-2. Definitions and Eligibility.

A. Board means Utah Water Quality Board.

B. Political Subdivision means any county, city, town, improvement district, metropolitan water district, water conservancy district, special service district, drainage district, irrigation district, separate legal or administrative entity created under the Interlocal Co-operation Act or any other entity constituting a political subdivision under the laws of Utah.

C. Wastewater Project means any sewer, sewage system, sewage treatment facility and system, lagoon, sewage collection facility and system and related pipelines and all similar systems, works and facilities necessary or desirable to collect, hold, cleanse or purify any sewage or other polluted waters of this State.

D. Project Costs include the cost of acquiring and constructing any project including, without limitation: the cost of acquisition and construction of any facility or any modification, improvement, or extension of such facility; any cost incident to the acquisition of any necessary property, easement or right of way; engineering or architectural fees, legal fees, fiscal agent's and financial advisors' fees; any cost incurred for any preliminary planning to determine the economic and engineering feasibility of a proposed project; costs of economic investigations and studies, surveys, preparation of designs, plans, working drawings, specifications and the inspection and supervision of the construction of any facility; interest accruing on loans made under this program during acquisition and construction of the project; and any other cost incurred by the political subdivision, the Board or the Department of Environmental Quality, in connection with the issuance of obligation of the political subdivision to evidence any loan made to it under the law.

E. Wastewater Project Obligation means, as appropriate, any bond, note or other obligation of a political subdivision issued to finance all or part of the cost of acquiring, constructing, expanding, upgrading or improving a wastewater project.

F. Credit Enhancement Agreement means any agreement entered into between the Board, on behalf of the State, and a political subdivision, for the purpose of providing methods and assistance to political subdivisions to improve the security for and marketability of wastewater project obligations.

G. Interest Buy-Down Agreement means any agreement entered into between the Board, on behalf of the State, and a political subdivision, for the purpose of reducing the cost of financing incurred by a political subdivision on bonds issued by the subdivision for project costs.

H. Financial Assistance means a project loan, credit enhancement agreement, interest buy-down agreement or hardship grant.

I. Hardship Grant means a grant of monies to a political subdivision that meets the wastewater project loan considerations whose project is determined by the Board to not be economically feasible unless grant assistance is provided. A hardship grant may be authorized in the following forms:

1. A Planning Advance which will be required to be repaid at a later date, unless deemed otherwise by the Board, to help meet project costs incident to planning to determine the economic, engineering and financial feasibility of a proposed project.

2. A Design Advance which will be required to be repaid at a later date, to help meet project costs incident to design including, but not limited to, surveys, preparation of plans, working drawings, specifications, investigations and studies.

3. A Project Grant which will not be required to be repaid.

J. Nonpoint Source Project means any facility, system, practice, or mechanism to abate, prevent, or reduce pollution of water of this state caused by nonpoint sources.

R317-101-3. Application and Project Initiation Procedures.

The following procedures must normally be followed to obtain financial assistance from the Board:

A. It is the responsibility of the applicant to obtain the necessary financial, legal and engineering counsel to prepare an effective and appropriate financial assistance agreement, including cost effectiveness evaluations of financing methods and alternatives, for consideration by the Board.

B. A completed application form, project engineering report as appropriate, and financial capability assessment are submitted to the Board. Any comments from the local health department or association of governments should accompany the application.

C. The staff prepares an engineering and financial feasibility report on the project for presentation to the Board.

D. The Board "Authorizes" financial assistance for the project on the basis of the feasibility report prepared by the staff, designates whether a loan, credit enhancement agreement, interest buy-down agreement, hardship grant or any combination thereof, is to be entered into, and approves the project schedule (see R317-101-[~~10~~]11). The Board shall authorize a hardship grant only if it determines that other financing alternatives are unavailable or unreasonably expensive to the applicant. If the applicant seeks financial assistance in the form of a loan of amounts in the security account established pursuant to Title 73, Chapter 10c, which loan is intended to provide direct financing of projects costs, then the Board shall authorize such loan only if it determines that credit enhancement agreements, interest buy-down agreements and other financing alternatives are unavailable or unreasonably expensive to the applicant or that a loan represents the financing alternative most economically advantageous to the state and the applicant; provided, that for purposes of this paragraph and for purposes of Subsection 73-10c-4(2), the term "loan" shall not include loans issued in connection with interest buy-down agreements as described in R317-101-[~~8~~]9 hereof or in connection with any other interest buy-down arrangement.

E. Planning Advance Only - The applicant requesting a Planning Advance must attend a preapplication meeting, complete an application for a Planning Advance, prepare a plan of study, and submit a draft contract for planning services.

F. Design Advance Only - The applicant requesting a design advance must have completed an engineering plan which meets program requirements and submitted a draft contract for design services.

G. The project applicant must demonstrate public support for the project.

H. Political subdivisions which receive assistance for a wastewater project under these rules must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).

I. Political subdivisions which receive assistance under these rules and which own a culinary water system must complete and submit a Water Conservation and Management Plan.

[~~H~~]J. The project applicant's engineer prepares a preliminary design report, as appropriate, outlining detailed design criteria for submission to the Board.

[~~I~~]K. Upon approval of the preliminary design report by the Board, the applicant's engineer completes the plans, specifications, and contract documents for review by the Board.

[~~J~~]L. For financial assistance mechanisms when the applicant's bond is purchased by the Board, the project applicant's bond documentation, including an opinion from legal counsel experienced in bond matters that the wastewater project obligation is a valid and binding obligation of the political subdivision, must be submitted to the Assistant Attorney General for preliminary approval and the applicant shall publish a Notice of Intent to issue bonds in a newspaper of general circulation pursuant to Section 11-14-21. For financial assistance mechanisms when the applicant's bond is not purchased by the Board, the applicant shall submit a true and correct copy of an opinion from legal counsel experienced in bond matters that the wastewater project obligation is a valid and binding obligation of the political subdivision.

[~~K~~]M. Hardship Grant - The Board executes a grant agreement setting forth the terms and conditions of the grant.

[~~L~~]N. The Board issues a Construction Permit/Plan Approval for plans and specifications and concurs in bid advertisement.

[~~M~~]O. If a project is designated to be financed by a loan or an interest buy-down agreement as described in R317-101-[~~8 and 9~~]9 and 10, from the Board, to cover any part of project costs an account supervised by the applicant and the Board will be established by the applicant to assure that loan funds are used only for qualified project costs. If financial assistance for the project is provided by the Board in the form of a credit enhancement agreement as described in R317-101-[~~7~~]8 all project funds will be maintained in a separate account and a quarterly report of project expenditures will be provided to the Board.

[~~N~~]P. A Sewer Use Ordinance rate structure must be submitted to the Board for review and approval to insure adequate provisions for debt retirement and/or operation and maintenance.

[~~O~~]Q. A plan of operation, including adequate staffing, with an operator certified at the appropriate level in accordance with R317-10, training, and start up procedures to assure efficient operation and maintenance of the facilities, is submitted by the applicant in draft at initiation of construction and approved in final form prior to 50% of construction completion.

[~~P~~]R. An operation and maintenance (O and M) manual which provides long-term guidance for efficient facility O and M is submitted by the applicant and approved in draft and final form

prior to, respectively, 50% and 90% of project construction completion.

[~~Q~~]S. The applicant's contract with its engineer must be submitted to the Board for review to determine that there will be adequate engineering involvement, including project supervision and inspection, to successfully complete the project.

[~~R~~]T. The applicant's attorney must provide an opinion to the Board regarding legal incorporation of the applicant, valid legal title to rights-of-way and the project site, and adequacy of bidding and contract documents.

[~~S~~]U. Credit Enhancement Agreement and Interest Buy-Down Agreement Only - The Board issues the credit enhancement agreement or interest buy-down agreement setting forth the terms and conditions of the security or other forms of assistance provided by the agreement and notifies the applicant to sell the bonds (see R317-101-[~~7 and 8~~]8 and 9).

[~~T~~]V. Credit Enhancement Agreement and Interest Buy-Down Agreement Only - The applicant sells the bonds on the open market and notifies the Board of the terms of sale. If a credit enhancement agreement is being utilized, the bonds sold on the open market shall contain the legend required by Subsection 73-10c-6(2)(a). If an interest buy-down agreement is being utilized, the bonds sold on the open market shall bear a legend which makes reference to the interest buy-down agreement and states that such agreement does not constitute a pledge of or charge against the general revenues, credit or taxing powers of the state and that the holder of any such bond may look only to the applicant and the funds and revenues pledged by the applicant for the payment of interest and principal on the bonds.

[~~U~~]W. The applicant opens bids for the project.

[~~V~~]X. Loan Only - The Board gives final approval to purchase the bonds and execute the loan contract (see R317-101-[~~12~~]13).

[~~W~~]Y. Loan Only - The final closing of the loan is conducted.

[~~X~~]Z. The Board gives approval to award the contract to the low responsive and responsible bidder.

[~~Y~~]AA. A preconstruction conference is held.

[~~Z~~]BB. The applicant issues a written notice to proceed to the contractor.

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R317-101-5. Loans For Storm Water Projects.

Storm water projects are eligible for funding through the Utah Wastewater Project Assistance Program, as identified in UCA 73-10c-2(12). In addition to other rules identified in R317-101 which may apply, the following particular rules apply to storm water project loans:

A. Loans will only be made to political subdivisions of the state.

B. The interest rate charged on storm water project loans will be equal to 60% of the interest rate on a 30-year U.S. Treasury bill.

C. Storm water project loans will be made twice per year. Projects will be prioritized so that the limited funds which are available are allocated first to the highest priority projects in accordance with R317-100-3 and 4, Utah State Project Priority System for the Utah Wastewater Project Assistance Program.

D. Storm water projects are eligible for funding provided a significant portion of the project is for the purpose of improving water quality.

R317-101-[~~5~~]6. Planning Advance.

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R317-101-[6]7. Design Advance.

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R317-101-[~~7~~]8. Credit Enhancement Agreements.

The Board will determine whether a project may receive all or part of a loan, hardship grant, credit enhancement agreement or interest buy-down agreement subject to the criteria in R317-101-4. To provide security for project obligations the Board may agree to purchase project obligations of political subdivisions or make loans to the political subdivisions to prevent defaults in payments on project obligations. The Board may also consider making loans to the political subdivisions to pay the cost of obtaining letters of credit from various financial institutions, municipal bond insurance, or other forms of insurance or security for project obligations. In addition, the Board may consider other methods and assistance to political subdivisions to properly enhance the marketability of or security for project obligations.

R317-101-[~~8~~]9. Interest Buy-Down Agreement.

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R317-101-[~~9~~]10. Loans.

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R317-101-[~~10~~]11. Project Authorization.

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R317-101-[~~11~~]12. Financial Evaluations.

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R317-101-[~~12~~]13. Committal of Funds and Approval of Agreements.

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R317-101-[~~13~~]14. Construction.

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KEY: wastewater, water quality, loans, sewage treatment
[~~November 15, 1996~~]2001 19-5
Notice of Continuation September 17, 1998

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Environmental Quality, Water Quality
R317-102
Utah Wastewater State Revolving Fund (SRF) Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23787
FILED: 05/18/2001, 16:34
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Authority is granted under Section 73-10c-4.5. This rule will establish criteria for the Water Quality Board to identify and fund eligible projects. The proposed amendment enables individuals to apply for funding of underground wastewater disposal system and nonpoint source pollution control projects under the Utah Wastewater State Revolving Fund Program.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment defines project eligibility; the loan process; loan terms; and other uses of State Revolving Funds.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--The proposed changes will be addressed using existing staff and resources.
❖LOCAL GOVERNMENTS: The proposed amendment enables individuals to apply for funding of underground wastewater disposal system and nonpoint source pollution control projects under the Utah Wastewater State Revolving Fund Loan Program. The financing costs of qualifying projects could be reduced as a result of the amendment.
❖OTHER PERSONS: Under this amendment, individuals may have their underground wastewater disposal systems or nonpoint source projects considered for funding by the Water Quality Board. This will result in the cost of qualifying projects being reduced.
COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are anticipated as a result of the amendment. The proposed amendment enables individuals to apply for funding of underground wastewater disposal systems and nonpoint source pollution projects under the Utah Wastewater State Revolving Fund Loan Program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impacts to businesses are anticipated as a result of the amendment. The proposed amendment enables individuals to apply for funding of underground wastewater disposal systems and nonpoint source pollution projects under the Utah Wastewater State Revolving Fund Loan Program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Walt Baker at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6052, or by Internet E-mail at wbaker@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/28/2001, 10:00 a.m., Cannon Health Building, 288 North 1460 West, Room 114, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2001

AUTHORIZED BY: Dianne R. Nielson, Executive Director

R317. Environmental Quality, Water Quality.
R317-102. Utah Wastewater State Revolving Fund (SRF) Program.
R317-102-1. Policies and Guidelines.

The [~~Policies and Guidelines~~]administrative rules described in R317-101, Utah Wastewater Project [~~Loan, Credit Enhancement and Interest Buy-Down~~]Assistance Program apply as a part of this Rule.

R317-102-2. Statutory Authority.

The authority for the Department of Environmental Quality acting through the Utah Water Quality Board to issue loans[~~to political subdivisions~~] to finance all or part of wastewater project costs from [~~a federal capitalization grant~~]the SRF is provided in Title VI of the Federal Clean Water Act and Sections 73-10b-1, and 73-10c-1 of the Utah Code Annotated.

R317-102-3. Definitions and Eligibility.

A. Eligible Activities of the SRF. All funds within the SRF must be used solely to provide loans and other authorized forms of financial assistance, but not grants:

1. for the construction of publicly owned wastewater treatment works as defined in Section 212 of the CWA that appear on the Utah State Project Priority List as described in R317-100-1;

2. for implementation of a nonpoint source pollution control management program under Section 319 of the CWA.

B. First Use Requirement. The categories of funds described below must first be used for any major and minor publicly owned treatment works (POTW) that EPA Region VIII and Utah has previously identified as part of the National Municipal Policy universe:

1. the Federal capitalization grant award under section 205(m) and Title VI of the CWA;

2. repayments of initial loans awarded from the grant; and

3. the State match.

In order for Utah to use these funds for other kinds of treatment works, without unmet enforceable requirements under 212 or programs for nonpoint pollution sources, the Utah Division of Water Quality must certify that the POTW[~~'~~]s described above are:

a. in compliance, or

b. on an enforceable schedule, or

c. have an enforcement action filed, or

d. have a funding commitment during or prior to the first year covered by the Intended Use Plan.

C. Types of Financial Assistance

1. Loans

a. Interest Rate. Loans may be made at or below market interest rates.

b. Repayment. Annual repayments of principal and interest will be made to begin not later than one year after project completion. Project Completion shall be defined as the date operations of the treatment works are capable of being initiated. Where a treatment works has been phased or segmented, the repayment requirement applies to the completion of individual phases or segments. At the discretion of the Water Quality Board, principal and interest payments may begin earlier than one year after operations are initiated.

[~~The loan must be fully amortized not later than twenty years after project completion.~~]The yearly amount of the principal repayment and the interest payment is set at the discretion of the Water Quality Board.

c. Dedicated Repayment Source. Loan recipients must establish one or more dedicated sources of revenue for repayment of the loan.

2. Refinancing Existing Debt Obligations. The Water Quality Board may use funds from the SRF [~~may~~]to buy or refinance local debt obligations at or below market interest rate, where such debt was incurred after March 7, 1985. Refinanced projects must comply with the requirements imposed by the CWA as though they were projects receiving initial financing from the SRF. Further, where the original debt was in the form of a multi-purpose bond incurred for purposes in addition to wastewater treatment facility construction, refinancing from the SRF may be provided only for eligible purposes, and not for the entire debt.

3. Guarantee or Purchase Insurance for Local Debt Obligations.

4. Guarantee SRF Debt Obligations. Resources in the SRF may be used as security or as a source of revenue for the payment of principal and interest on revenue or general obligation bonds issued by the State and deposited in the SRF.

5. Loan Guarantees for sub-State Revolving Funds.

6. Earn Interest on Fund Accounts.

7. SRF Administrative Expenses.

[**~~R317-102-4. Compliance with Requirements of Title II of the Clean Water Act of 1987.~~**

~~Sixteen specific requirements must be met by recipients of assistance from funds made directly available by Federal capitalization grant funds before 1995. These sixteen requirements, cited from the July 1, 1988 edition of the Code of Federal Regulations, are as follows:~~

~~1. Projects are required to apply best practicable waste treatment technology (see 40 CFR 35.2005(b)(7): Definition of BPWTT); and 40 CFR 35.2030(b)(2): Facilities Planning);~~

~~2. Assistance is limited to projects for secondary treatment, advanced treatment, or any cost-effective alternative, new interceptors and appurtenances, and infiltration-inflow correction. However, the discretionary set-aside can use up to 20 percent of its capitalization grant for other projects within the definition of treatment works in Section 212 (2), and for certain nonpoint source control and groundwater protection purposes, as defined in Section 319 of the CWA and subsequent EPA regulations (40 CFR 35.2015(b)(2)(ii-iv): State Priority System and Project Priority List);~~

~~3. Alternative technologies must be considered in project design (40 CFR 35.2030: Facilities Planning);~~

~~4. Applicants are required to show that the related sewer collection system is not subject to excessive infiltration (40 CFR 35.2030(b)(4): Facilities Planning, and 40 CFR 35.2120: Infiltration/Inflow);~~

~~5. Applicants are required to study innovative and alternative treatment technologies and take into account opportunities to construct revenue producing facilities and to make more efficient uses of energy and resources (40 CFR, 35.2030: Facility Planning);~~

~~6. Applicants are required to analyze the potential recreation and open space opportunities in the planning of the proposed facility (40 CFR 35.2030(b)(5): Facilities Planning);~~

~~7. Funds under Section 205 may be used for water quality problems due to discharges of combined sewer overflows, which are not otherwise eligible, if such discharges are a major priority in a State (40 CFR 35.2015(b)(2)(iv): State Priority Systems categories of need and 35.2024(a): Combined Sewer Overflows);~~

~~8. Applicants must develop a capital financing plan acceptable to the Water Quality Board;~~

~~9. Treatment works projects must be included in plans developed under Sections 208 (40 CFR 35.2102: Water Quality Management Plans);~~

~~10. Treatment works projects must be included in plans developed under Sections 303(e) (40 CFR 35.2102: Water Quality Management Plans);~~

~~11. Applicants are required to develop user charge systems and to have the legal, institutional, managerial, and financial capability to construct, operate, and maintain the treatment works (40 CFR 35.2208: Adoption of Sewer Use Ordinance and User Charge System; 35.2130: Sewer Use Ordinance; 35.2140: User Charge System; 35.2214: Grantee Responsibilities; 35.2122: Approval of User Charge System and proposed Sewer Use Ordinance; 35.2110: Access to Individual Systems; and 35.2206(a): Operation and Maintenance);~~

~~12. The owner/operator of the treatment works must certify that the facility meets design specifications and effluent limitations included in its permit one year after the date of construction (40 CFR 35.2218(c), (d) and (e)(2): Project Performance);~~

~~13. Major rehabilitation or replacement of collectors are not eligible, under the 20 percent discretionary authority of 201(g)(1), unless the collector is needed to assure the total integrity of the treatment works or that for a new collector, adequate capacity exists~~

~~at the facility (40 CFR 35.2116: Collection System); Funding for separate storm sewers is prohibited through fiscal year 1990;~~

~~14. The applicant must assure that treatment systems are cost-effective and projects of over $10 million must include a value-engineering review (40 CFR 35.2030(b)(3): Cost Effectiveness, Facilities Planning, and 35.2114: Value Engineering);~~

~~15. The requirements of the National Environmental Policy Act must be met (CFR 35.2113: Environmental Review);~~

~~16. The applicant must apply Davis-Bacon labor wage provisions to treatment works construction (29 CFR Part 5). Wages paid for the construction of treatment works must conform to the prevailing wage rates established for the locality by the U.S. Department of Labor under the Davis-Bacon Act (Section 513, applies 40 U.S.C. 276 et seq.).~~]

R317-102-[5]4. Compliance with Other Requirements.

[~~In addition to the requirements of R317-102-4, applicants for~~]Recipients of SRF funds may, if determined by the Water Quality Board, as provided by federal law, be required to meet the following other requirements, cited from the July 1, 1988 edition of the Code of Federal Regulations:

[~~1~~]A. Title VI of the Civil Rights Act of 1964, whereby applicants must certify compliance with this act[~~Title VI of the Civil Rights Act of 1964~~] (40 CFR Part[~~s~~] 7[~~:~~]; Nondiscrimination in Programs Receiving Federal Assistance From EPA; and 40 CFR Part 12: Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by the Environmental Protection Agency);

[~~2~~]B. Minority and Women Owned Business Enterprise Procurement, whereby applicants agree to assist the state in meeting objectives established under 40 CFR 33.240, prior to authorization of the assistance agreement;[

~~3. Procurement Requirements, whereby applicants agree to comply with federal procurement requirements (40 CFR Part 33);~~]

[~~4~~]C. Accounting Procedures, whereby applicants agree to maintain a separate project account in accordance with Generally Accepted Accounting Standards and Utah State Uniform Accounting requirements;

[~~5~~]D. Construction Payment Schedule, whereby applicants agree to supply the Division of Water Quality with a construction draw-down schedule before the [~~bond~~]loan closing.

E. Davis-Bacon Labor Wage Provisions. The applicant must apply Davis-Bacon labor wage provisions to treatment works construction (29 CFR Part 5). Wages paid for the construction of treatment works must conform to the prevailing wage rates established for the locality by the U.S. Department of Labor under the Davis-Bacon Act (Section 513, applies 40 U.S.C. 276 et seq.).

R317-102-5. Loans For Underground Wastewater Disposal Systems.

Replacement or repair of underground wastewater disposal systems (UWDS), as defined in R317-501-1.1, are eligible for funding through the SRF if they have malfunctioned or are in non-compliance with state administrative rules or local regulations governing the same. The following procedures apply to UWDS loans:

A. Loans will only be made for the repair or replacement of existing malfunctioning UWDS, as determined by the local health department and as defined in R317-501-1.34, when the malfunction is not attributable to inadequate system operation and maintenance.

B. Projects will be prioritized according to criteria established in R317-100-4, Utah State Project Priority System for the Utah Wastewater Project Assistance Program.

C. UWDS loan applications will be received by the local health department which will evaluate the need, priority, eligibility and technical feasibility of each project. The local health department will issue a certificate of qualification (COQ) for projects which qualify for a UWDS loan. The COQ and completed loan application will be forwarded to the Division of Water Quality for its review.

D. The maximum term of the UWDS loan will be 10 years.

E. The maximum loan amount for a system serving an individual residence will be $15,000. A larger loan may be considered for a system serving multiple residences.

F. The interest rate on UWDS loans will be equal to 60% of the interest rate on a 30-year U.S. Treasury bill.

G. UWDS loan recipients must have a total household income no greater than 150% of the state median adjusted household income, as determined from the Utah Tax Commission's most recently published data.

H. UWDS loan projects are exempt from environmental reviews under the National Environmental Policy Act (NEPA) as long as the funding of these projects is identified in Utah's Non-point Source Pollution Management Plan.

I. Security for UWDS Loans

a. The borrower must adequately secure the loan with real property or chattel.

b. The ratio of the loan amount to the value of the pledged security must not be greater than 70%.

J. Eligible activities under the UWDS loan program include:

1. Septic tank

2. Absorption system

3. Building sewer

4. Appurtenant facilities

5. Conventional or alternate UWDS

6. Connection of the residence to an existing centralized sewer system, including connection or hook-up fees, if this is determined to be the best means of resolving the failure of an UWDS.

7. Costs for construction, permits, legal work, engineering, and administration.

K. Ineligible project components include:

1. UWDS systems serving commercial establishments;

2. land;

3. interior plumbing fixtures;

4. impact fees, if connecting to a centralized sewer system is determined to be the best means of resolving the failure of an UWDS;

5. UWDS for new homes or developments;

6. UWDS operation and maintenance.

L. The local health department will certify the completion of the project to the Division of Water Quality.

M. To be reimbursed for project expenditures the borrower must maintain and submit invoices, financial records, or receipts which document the expenditures or costs.

N. UWDS loan recipients will be billed for monthly payments of principal and interest beginning 60 days after execution of the loan agreement.

O. The UWDS loan must be paid in full if the property served by the project is sold or transferred.

P. UWDS loan applications may be prioritized in accordance with R317-100-4 so that the limited funds which are available are allocated first to the highest priority projects.

Q. The Utah Division of Water Quality, or its designee, will evaluate the financial aspects of the project and the credit worthiness of the applicant.

R. The Executive Secretary to the Water Quality Board, and/or another whom the Water Quality Board may designate, will execute UWDS loan agreements with the borrower.

S. UWDS loans in amounts in excess of $150,000 will be presented to and authorized funding by the Water Quality Board. Loans of less than $150,000 will be considered and authorized funding by the Executive Secretary to the Water Quality Board.

R317-102-6. Loans For Non-point Source Pollution Projects.

Non-point Source Pollution (NPS) Projects, as defined in UAC 73-10c-2(9), are eligible for funding through the SRF. The following procedures apply to NPS project loans:

A. Loans to individuals in amounts in excess of $150,000 will be presented to and authorized funding by the Water Quality Board. Loans of less than $150,000 will be considered and authorized funding by the Executive Secretary to the Water Quality Board.

B. The Executive Secretary to the Water Quality Board, and/or another whom the Water Quality Board may designate, will execute NPS project loan agreements with the borrower.

C. Projects will be prioritized according to criteria established in R317-100-4, Utah State Project Priority System for the Utah Wastewater Project Assistance Program.

D. Following authorization of funds by the Water Quality Board or Executive Secretary, as appropriate, the applicant has a period of six months to meet the conditions of the loan authorization and complete a loan closing. If a loan closing for the project has not occurred within six months of the loan authorization, the funding may be rescinded.

E. The maximum term of NPS project loans will be twenty years but not beyond the depreciable life of the project.

F. The interest rate on NPS project loans will be zero percent.

G. NPS project loans are exempt from environmental reviews under the National Environmental Policy Act (NEPA) as long as the funding of these projects is identified in Utah's Non-point Source Pollution Management Plan.

H. Security for NPS project loans

1. NPS project loans to individuals in amounts greater than $15,000 will be secured by the borrower with water stock or real estate. Such loans less than $15,000 may be secured with other assets.

2. For NPS project loans to individuals the ratio of the loan amount to the value of the pledged security must not be greater than 70%.

3. NPS loans to political subdivisions of the state will be secured by a revenue bond, general obligation bond or some other acceptable instrument of debt.

I. Eligible projects under the NPS project loan program include projects which:

1. abate or reduce untreated or uncontrolled runoff;

2. improve critical aquatic habitat;

3. conserve soil, water, or other natural resources;

4. protect and improve ground water quality;

5. preserve and protect the beneficial uses of water of the state;

6. reduce the number of water bodies not achieving water quality standards;

7. improve watershed management;

8. prepare and implement total maximum daily load (TMDL) assessments.

J. NPS projects which will serve concentrated animal feeding operations (CAFOs), as defined by EPA, are ineligible for NPS project loans.

K. The Division of Water Quality will determine project eligibility and priority. Periodic payments will be made to the borrower, contractors or consultants for work relating to the planning, design and construction of the project. The borrower must maintain and submit the financial records which document expenditures or costs.

L. The Division of Water Quality, or its designee, will perform periodic project inspections. Final payment on the NPS loan project will not occur until a final inspection has occurred and an acceptance letter issued for the completed project.

M. NPS project loan recipients will be billed periodically for payments of principal and interest as agreed to in the executed loan agreements or bond documents.

N. NPS project loan applications may be prioritized so that the limited funds which are available are allocated first to the highest priority projects.

O. The Utah Division of Water Quality, or its designee, will evaluate the financial aspects of the NPS project and the credit worthiness of the applicant.

P. The Executive Secretary, or other individuals the Water Quality Board may designate, will execute NPS project loan agreements with the borrower.

KEY: wastewater, loans, water quality
[~~1991~~]2001 [~~73-10c-5~~]19-5-104
Notice of Continuation December 1, 2000

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-501

Preadmission and Continued Stay Review

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23802
FILED: 05/30/2001, 09:21
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule implements the Utilization Control/Utilization Review requirements for Long Term Care facilities that require the

evaluation of each Medicaid resident's need for admission and continued stay in a nursing facility.

SUMMARY OF THE RULE OR CHANGE: This rule is updated with the most recent 42 CFR Guidelines and Statutory citations. A definition of "Significant Change" is added. The statement in Subsection R414-501-3(7) is deleted as being no longer needed. A change in Subsection R414-501-4(1) in regard to referring residents is added and the time frame is changed from 60 days to 90 days. There is an addition to Section R414-501-9 in regard to alternative services, evaluation, and referral.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-3

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There should be no differences in either costs or savings, as the changes are mainly for updating citations and making the rule conform to current Department practices.
❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there should be no fiscal impact.
❖OTHER PERSONS: Other persons are the Medicaid recipients, and their status does not change in this rule update.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no involvement for affected persons other than that described in "other persons" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule updates required by changes in federal regulations should have no fiscal impact on businesses regulated in this area. Rod L. Betit

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carolyn Reese at the above address, by phone at (801) 538-6599, by FAX at (801) 538-6163, or by Internet E-mail at creese@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-501. Preadmission and Continued Stay Review.
R414-501-1. Introduction and Authority.

This rule implements 42 USC 1396r(b)(3), (e)(5), and (f)(6)(B), and 42 CFR 456.1 through 456.23,[~~456.271, 456.331, 456.333,~~]and 456.[~~370~~]350 through 456.[~~372~~]380, by requiring the evaluation of each resident's need for admission and continued stay in a nursing facility. 42 USC 1396r, requirements for nursing facilities, and 42 CFR 483, requirements for states and long term care facilities, are adopted and incorporated by reference.

R414-501-2. Definitions.

In addition to the definitions in R414-1-1, the following definitions apply to Rules R414-501 through R414-503:

(1) "Activities of daily living" are defined in 42 CFR 483.25(a)(1), and further includes adaptation to the use of assistive devices and prostheses intended to provide the greatest degree of independent functioning.

(2) "Categorical determination" means a determination made pursuant to 42 CFR 483.130 and ATTACHMENT 4.39-A of the State Plan.

(3) "Code of Federal Regulations (CFR)" means the [~~1993~~]1999 edition unless otherwise noted.

(4) "Continued stay review" means a periodic, supplemental, or interim review of a resident performed by a department health care professional either by telephone or on-site review.

(5) "Discharge planning" means planning that ensures that the resident has an individualized planned program of post-discharge continuing care that:

(a) states the medical, functional, behavioral and social levels necessary for the resident to be discharged to a less restrictive setting;

(b) includes the steps needed to move the resident to a less restrictive setting;

(c) establishes the feasibility of the resident's achieving the levels necessary for discharge; and

(d) states the anticipated time frame for that achievement.

(6) "Health care professional" means a duly licensed or certified physician, physician assistant, nurse practitioner, physical therapist, speech therapist, occupational therapist, registered professional nurse, licensed practical nurse, social worker, or qualified mental retardation professional.

(7) "Level I screening" means the preadmission identification screening discussed in R414-503-3.

(8) "Level II evaluation" means the preadmission evaluation and annual resident review for serious mental illness or mental retardation discussed in R414-503-4.

(9) "Medicaid resident" means a resident who is a Medicaid recipient.

(10) "Mental retardation" is defined in 42 CFR 483.102(b)(3) and includes "persons with related conditions" as defined in 42 CFR 435.1009.

(11) "Nursing facility" is defined in 42 USC 1396r(a), and also includes an intermediate care facility for the mentally retarded as defined in 42 USC 1396d(d).

(12) "Resident" means a person residing in a Medicaid-certified nursing facility.

(13) "Serious mental illness" is defined in 42 CFR 483.102(b)(1).

(14) "Significant change" means a major change in the resident's physical, mental, or psychosocial status that is not self limiting, impacts on more than one area of the resident's health status, and requires interdisciplinary review or revision of the care plan.

([~~14~~]15) "Skilled care" means those services defined in 42 CFR [~~440.40(a)~~]409.32.

([~~15~~]16) "Specialized rehabilitative services" means those services provided pursuant to 42 CFR 483.45 and R432-150-22.

([~~16~~]17) "Specialized services" means those services provided pursuant to 42 CFR 483.120 and ATTACHMENT 4.39 of the State Plan.

([~~17~~]18) "United States Code (USC)" means the 1993 edition unless otherwise noted.

([~~18~~]19) "Working days" means all days except Saturdays, Sundays, and recognized state holidays.

R414-501-3. Preadmission Authorization.

(1) A nursing facility shall perform a preadmission assessment when admitting an applicant, including an applicant who will be reclassified from Medicare skilled care to Medicaid nursing facility care, or who is currently funded from another source but anticipates applying for Medicaid within 90 days of admission, and has been referred by a mental health center or civilly committed to the mental health system. Preadmission authorization is not transferable from one nursing facility to another.

(2) A nursing facility may perform a preadmission assessment on any other person who applies for nursing facility care.

(3) A nursing facility must obtain prior approval from the department before admitting an applicant. A request for prior approval may be in writing or by telephone and shall include:

(a) the name, age, and Medicaid eligibility of the applicant;

(b) the date of transfer or admission to the nursing facility;

(c) the date of the surgical procedure or traumatic incident, if any, that caused the need for care;

(d) the reason for acute care inpatient hospitalization or emergency placement, if any, and the care and services needed;

(e) the applicant's current functional and mental status;

(f) the established diagnoses;

(g) the medications and treatments currently ordered for the applicant;

(h) the projected level of care placement and an evaluation of alternative care resources and support services previously used, currently in use, and available through the community and family;

(i) the name of the individual requesting the prior approval;

(j) the Level I screening, except the screening is not required for admission to an intermediate care facility for the mentally retarded; and

(k) the Level II determination, if required by the department.

(4) If the department gives prior approval, the nursing facility shall submit to the department within five working days a preadmission transmittal for the applicant, and shall begin preparing the complete contact for the applicant. The complete contact is a written application containing all the elements of a request for prior approval plus:

(a) the preadmission[~~, or~~] continued stay transmittal;

(b) a signed release of information;

(c) a history and physical;

(d) the physician's orders;

(e) a nursing assessment;

(f) a social evaluation;

(g) a discharge plan;

(h) a resident assessment instrument completed no later than 14 calendar days after the resident is admitted to a nursing facility; and

(i) the completed comprehensive plan of care that includes measurable objectives and timetables to treat medical and psychosocial needs that are identified in a comprehensive assessment of significant impairments in the resident's functional capacity and his capabilities to perform daily life functions.

(5) When a Medicaid resident is admitted to a hospital, the department may not require preadmission authorization when the Medicaid resident returns to the original nursing facility not later than three consecutive days after the date of discharge from the nursing facility. If the readmission occurs four or more days after the date of discharge from the nursing facility, the nursing facility shall complete the preadmission authorization process again. However, if a Medicaid resident returns to a nursing facility for the mentally retarded within the three day period and may require skilled care or services, then the nursing facility shall immediately request prior approval from the department.

(6) The department shall reimburse a nursing facility for the five days allowed in Subsection R414-501-3(6)(c) if the department, without full assessment, gives prior approval for a resident who is an immediate placement.

(a) An immediate placement shall meet one of the following criteria:

(i) The resident exhausted acute care benefits or was discharged by a hospital;

(ii) A Medicare fiscal intermediary changed the resident's level of care, or the Medicare benefit days terminated and there is a need for continuing services reimbursed under Medicaid;

(iii) Protective services in the Department of Human Services placed the resident for care;

(iv) A tragedy, such as fire or flood, has occurred in the home, and the resident is injured, or an accident leaves a dependent person in imminent danger and requires immediate institutionalization;

(v) A family member who has been providing care to the resident dies or suddenly becomes ill;

(vi) A nursing facility terminated services, either through an adverse certification action or closure of the facility, and the resident must be transferred to meet his medical or habilitation needs; or

(vii) In the previous placement, the resident presented a clear danger to himself, others, or property.

(b) The department shall deny an immediate placement unless the Level I screening is completed and the department determines a Level II evaluation is not required, or if the Level II evaluation is required, then the Level II evaluation is completed and the department determines the applicant qualifies for placement in a nursing facility and Medicaid reimbursement. The three exceptions to this requirement are when the applicant is a provisional placement for less than seven days, the applicant has previously been screened and the determinations will be reviewed on his annual resident review, or when the placement is after an acute

hospital stay and the physician certifies that the placement will be for less than 30 days.

(c) Prior approval for an immediate placement shall be effective for no more than five working days. During that period the nursing facility shall submit a preadmission transmittal, and shall begin preparing the complete contact for the applicant. If the nursing facility fails to timely submit the preadmission transmittal, the department may not make any payments until the department receives the preadmission transmittal and the nursing facility again complies with all preadmission requirements.[

~~(7) If the department determines that an applicant requires the level of care provided in a nursing facility, the department shall assure that the appropriate state case manager informs the applicant or his legal representative of any feasible alternatives available under the home and community based services waiver and gives him the choice of either nursing facility or home and community based services.~~]

([~~8~~]7) If a nursing facility accepts a resident who elects not to apply for Medicaid coverage, and the nursing facility can prove that it gave the resident or his legal representative written notice of Medicaid eligibility and preadmission requirements, then the resident or legal representative shall be solely responsible for payment for the services rendered. However, if a nursing facility cannot prove it gave the notice to a resident or his legal representative, then the nursing facility shall be solely responsible for payment for the services rendered during the time when the resident was eligible for Medicaid coverage.[

~~(9) If the department determines an applicant is not eligible for Medicaid, or a third-party payor is responsible for the services to be provided to an applicant, then the department may defer final action on a contact until:~~

~~(a) the applicant becomes eligible for Medicaid reimbursement, at which time the contact will be approved as of the date of the prior approval;~~

~~(b) the applicant fails to pursue Medicaid reimbursement within 150 days of the initial contact;~~

~~(c) the department refers the applicant to an alternative placement; or~~

~~(d) the applicant dies.~~]

([~~10~~]8) The department shall refer medically ineligible applicants to appropriate health-related agencies when the preadmission assessment identifies such a need.

([~~11~~]9) The department shall deny payment to a nursing facility for services provided before the earliest of (a) the date of the verbal prior approval, (b) the date postmarked on the envelope containing the written application, or (c) the date the department receives the written application.

R414-501-4. Continued Stay Review.

(1) The department shall conduct a continued stay review to determine the need for continued stay in a nursing facility and to determine whether the resident has shown sufficient improvement to implement discharge planning and to refer the resident to one or more representatives for follow-up contact with the resident. Within [~~60~~]90 days after the department authorizes Medicaid reimbursement for a Medicaid resident, the department shall commence the continued stay review. This review must be completed no later than the last day of the calendar month in which it is due.

(2) If a question regarding placement or level of care for a Medicaid resident arises, the department may request additional information from the nursing facility. If the question remains unresolved, a department health care professional may perform a supplemental on-site review. The department or the nursing facility can also initiate an interim review because of a change in the Medicaid resident's condition or medical needs.

(3) A nursing facility shall make appropriate personnel and information reasonably accessible so the department can conduct the continued stay review.

(4) A nursing facility shall inform the department by telephone or in writing when the needs of a Medicaid resident change to possibly require discharge, a different level of care, or a change from the findings in the Level I screening or Level II evaluation. A nursing facility shall also inform the department of newly acquired facts relating to the resident's diagnosis, medications, treatments, care or service needs, or plan of care that may not have been known when the department determined medical need for admission or continued stay.

(5) The department shall deny payment to a nursing facility for services provided to a Medicaid resident who, against medical advice, leaves a nursing facility for more than two consecutive days, or who fails to return within two consecutive days after an authorized leave of absence. A nursing facility shall report all such instances to the department. The resident shall complete all preadmission requirements before the department may approve payment for further nursing facility services.

. . . . . .

R414-501-9. Alternative Services Evaluation and Referral.

While reviewing a preadmission assessment for admission to a nursing care facility, other than an ICF/MR, the Department may evaluate the potential for the applicant to receive alternative Medicaid services in a home or community-based setting that are appropriate for the needs of the individual identified in the preadmission submittals. If, in the judgement of the reviewer, there is a potential for alternative Medicaid services, the Department shall refer the name of the applicant to one or more designated Medicaid home and community services program representatives for follow-up contact with the applicant.

KEY: medicaid

[~~1994~~]2001	**26-1-5**
Notice of Continuation September 15, 1999	**26-18-3**
	63-46a-7(1)(a)

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-502

Nursing Facility Levels of Care

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23803
FILED: 05/30/2001, 09:21
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment recognizes an equivalent care program as an alternative Medicaid nursing care program.

SUMMARY OF THE RULE OR CHANGE: Adding additional language to Section R414-502-3 (Approval of Level of Care), particularly adding "an alternative Medicaid health delivery program" statements. The rule's regulatory citations are updated to the latest 42 CFR regarding skilled care.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-3

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There should be no differences in either costs or savings, as the changes are mainly for updating citations.
❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there should be no fiscal impact.
❖OTHER PERSONS: The only persons affected are Medicaid recipients. This change has no cost or savings impact on them.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no involvement for affected persons other than that described in "other persons" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule update required by changes in federal regulations should have no fiscal impact on businesses regulated in this area. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carolyn Reese at the above address, by phone at (801) 538-6599, by FAX at (801) 538-6163, or by Internet E-mail at creese@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-502. Nursing Facility Levels of Care.
R414-502-1. Introduction and Authority.

This rule defines the levels of care provided in nursing facilities.

R414-502-2. Definitions.

The definitions in R414-1-1 and R414-501-2 apply to this rule.

R414-502-3. Approval of Level of Care.

(1) In determining whether the applicant has mental or physical conditions that can only be cared for in a nursing facility, or equivalent care provided through an alternative Medicaid health care delivery program, the department shall document that at least two of the following factors exist:

(a) Due to diagnosed medical conditions, the applicant requires at least substantial physical assistance with activities of daily living above the level of verbal prompting, supervising, or setting up;

(b) The attending physician has determined that the applicant's level of dysfunction in orientation to person, place, or time requires nursing facility care; or equivalent care provided through an alternative Medicaid health care delivery program; or

(c) The medical condition and intensity of services indicate that the care needs of the applicant cannot be safely met in a less structured setting, or without the services and supports of an alternative Medicaid health care delivery program.[~~and alternatives have been explored and are not feasible.~~]

(2) [~~Unless the cost of care through alternative non-institutional services is higher than the cost of care in a nursing facility, the department shall deny nursing facility coverage for an applicant whose health, rehabilitative, and social needs may reasonably be met through alternative non-institutional services. The department may not consider the availability of Medicaid reimbursement for alternative services as a factor in determining the relative costs of alternative services.~~

~~(3) The department shall deny coverage for a Medicaid resident until the department approves the specific level of care~~]The department shall assign a level of care based upon the severity of illness, intensity of service needed, anticipated outcome, and setting for the service. The department [~~shall deny coverage for~~]shall not assign a more intense level of care if, as a practical matter, the applicant's care and treatment needs can be met at a less intense level of care. Levels of care, ranked in order of intensity from the least intense to the most intense, are:

(a) nursing facility III care;
(b) nursing facility II care;
(c) nursing facility I care; and
(d) intensive skilled care.

R414-502-4. Criteria for Nursing Facility III Care.

The following criteria must be met before the department may authorize Medicaid coverage for an applicant at the nursing facility III care level:

(1) A physical examination was completed within 30 days before or seven days after admission;

(2) A registered nurse completed, coordinated, and certified a comprehensive resident assessment;

(3) A person licensed as a social worker, or higher degree of training and licensure, completed a social services evaluation that meets the criteria in 42 CFR [~~456.270 and~~]456.370;

(4) A physician established a written plan of care;

(5) All less restrictive alternatives or services to prevent or defer nursing facility care have been explored; and

(6) When the department has determined necessary, health care professionals completed and submitted to the department a psychological or psychiatric evaluation in accordance with 42 CFR 483.20(f). If an applicant is diagnosed with a condition related to a code within the International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM) psychiatric code range, the inter-disciplinary team shall submit its determinations to the department, including the behavior intervention program if the team determined one to be necessary. If the team determined that behavior intervention is unnecessary, it shall include evidence supporting the determination. All behavior intervention programs shall:

(a) be a precisely planned systematic application of the methods and experimental findings of behavioral science with the intent of reducing observable negative behaviors;

(b) incorporate processes and methodologies that are the least restrictive alternatives available for producing the desired outcomes;

(c) be conducted only following identification and, if feasible, remediation of environmental and social factors that are likely to be precipitating or reinforcing the inappropriate behavior;

(d) incorporate a process for identifying and reinforcing a desirable replacement behavior;

(e) include a program data sheet;

(f) include a behavior baseline profile consisting of all of the following: the applicant's name; the date, time, location, and specific description of the undesirable behavior exhibited; the persons present and the conditions existing prior to and at the time of the undesirable behavior; the interventions used and their results; and the recommendations for future action; and

(g) include a behavior intervention plan consisting of all of the following: the applicant's name; the date the plan is prepared and when it will be used; the objectives stated in terms of specific behaviors; the names, titles, and signatures of the persons responsible for conducting the plan; and the methods and frequency of data collection and review.

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R414-502-6. Criteria for Nursing Facility I Care.

The following criteria must be met before the department may authorize Medicaid coverage for an applicant at the nursing facility I care level:

(1) The applicant meets all the criteria for nursing facility II care;

(2) The services are provided by a nursing facility certified pursuant to 42 CFR [~~442.101 through 442.110~~]409.20 through 409.35, or a swing bed hospital approved by the federal Health Care Financing Administration to furnish nursing facility I care in the Medicare program;

(3) The applicant has exhausted Medicare benefits or has been denied by Medicare for reasons other than level of care requirements;

(4) The applicant requires specialized and complex care documented in the applicant's medical record; and

(5) The criteria in 42 CFR 409.31 through 409.35, requirements for coverage of post-hospital skilled nursing facility care, are satisfied.

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R414-502-8. Criteria for Intermediate Care for the Mentally Retarded.

The following criteria must be met before the department may authorize Medicaid coverage for an applicant in an intermediate care facility for the mentally retarded:

(1) The applicant is mentally retarded, except that even if the applicant is mentally retarded, he will not qualify for care in an intermediate care facility for the mentally retarded if the applicant is ambulatory, continent, only moderately or mildly mentally retarded without complicating conditions, is in need of less than weekly intervention by or under the supervision of a health care professional or trained habilitative personnel, and is capable of daily attendance in work settings or day treatment. Day treatment is training and habilitation services outside the nursing facility that are:

(a) intended to aid the self-help and self-sufficiency skill development of a mentally retarded resident;

(b) sufficient to meet the specialized rehabilitative service requirements of 42 CFR 435.1009 for the mentally retarded; and

(c) coordinated with the active treatment program of the intermediate care facility for the mentally retarded.

(2) The appropriate local office of the Department of Human Services:

(a) informs the applicant or his legal representative of any feasible alternatives available under the home and community based services waiver, and gives him the choice of either nursing facility or home and community based services; and

(b) states in writing that without home and community based services, the applicant would require the level of care provided in an intermediate care facility for the mentally retarded; and

(3) The applicant has at least one of the following conditions:

(a) Is severely or profoundly retarded;

(b) Is under six years of age;

(c) Is severely multiply handicapped in that he has at least two of the conditions identified in the definition of mental retardation found in the Diagnostic and Statistical Manual of Mental Disorders IV, Revised, 1994[~~III (DSM-III-R), revised 1987~~];

(d) More than once per week is physically aggressive or assaultive towards himself or others;

(e) Is a security risk or wanders away at least once per week;

(f) Is diagnosed as severely hyperactive;

(g) Demonstrates psychotic-like behavior; or

(h) Has conditions requiring at least weekly intervention by or under the supervision of a health care professional or trained habilitative personnel.

KEY: medicaid
[~~1994~~]2001 **26-1-5**
Notice of Continuation September 15, 1999 **26-18-3**
63-46a-7(1)(a)

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-503
Preadmission Screening and Annual Resident Review

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23804
FILED: 05/30/2001, 09:21
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment deals with preadmission screening, and includes providing a 14-day respite to in-home care givers. A new section is added concerning a significant change of condition.

SUMMARY OF THE RULE OR CHANGE: Language is added to Subsection R414-503-4(5)(g) to define how respite placements will be handled. Language is added to Section R414-503-6 regarding significant change of condition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-3

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There should be no difference in either costs or savings, as the changes are mainly for updating citations and adding language to conform to federal requirements.
❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there should be no fiscal impact.
❖OTHER PERSONS: The only persons affected are Medicaid recipients. This change has no cost or savings impact on them.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no involvement for affected persons other than that described previously under "other persons".

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule update required by changes in federal regulations should have no fiscal impact on businesses regulated in this area. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carolyn Reese at the above address, by phone at (801) 538-6599, by FAX at (801) 538-6163, or by Internet E-mail at creese@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-503. Preadmission Screening and Annual Resident Review.
R414-503-1. Introduction and Authority.
This rule implements 42 USC 1396r(b)(3)[~~(f)~~] and (e)(7) that require preadmission screening and annual review of nursing facility residents with serious mental illness or mental retardation.

R414-503-2. Definitions.
The definitions in R414-1-1 and R414-501-2 apply to this rule.

R414-503-3. Preadmission Level I Screening for All Persons.
The purpose of the preadmission Level I screening is to determine if a person seeking admission to a nursing facility has serious mental illness or mental retardation and is therefore subject to a Level II evaluation.
(1) A nursing facility may not admit a person unless a health care professional has completed a Level I screening. The department shall deny reimbursement for a resident if a nursing facility fails to assure that the resident's Level I screening is completed as required.
(2) A health care professional shall complete a Level I screening on a form supplied by the department and shall include the date of the screening and the signature of the health care professional completing the screening.
(3) If the Level I screening identifies a positive response to all of the following three criteria, then the screening shall conclude that the person may have a serious mental illness. The Level I screening criteria for serious mental illness are whether the person has:
(a) A diagnosis falling within the diagnostic [~~codes~~]groupings of serious mental illness, as described in the Diagnostic and Statistical Manual of Mental Disorders IV, Revised, 1994[~~III, Revised, 1987~~];
(b) Experienced a functional limitation in a major life activity within the last six months in that the person has serious difficulty on a continuing or intermittent basis in interpersonal functioning, concentration and persistence and pace, or adaptation to change, and which is due to the serious mental illness diagnosis;

(c) A treatment history indicating psychiatric treatment more intensive than outpatient care occurring more than once within the last two years; or experienced, within the last two years, significant disruption to his normal living situation to the degree that he required supportive services to maintain his current level of functioning at home or in a residential treatment environment; or required intervention by housing or law enforcement officials.

(4) If the Level I screening identifies at least one positive response to any of the following criteria then the screening shall conclude that the person may have mental retardation. The Level I screening criteria for mental retardation is whether the person has:

(a) A diagnosis of mental retardation;

(b) A current prescription for anti-convulsant medications for epilepsy with an onset prior to age 22;

(c) A history of mental retardation, or cognitive or behavioral indicators that the person has mental retardation; or

(d) Been referred by any agency specializing in the care of persons with mental retardation;

(5) If the screening does not indicate the person may have serious mental illness or mental retardation, or if the screening determines the person has a diagnosis of dementia (including Alzheimer's disease or an organic mental disorder) based on criteria in the Diagnostic and Statistical Manual of Mental Disorders IV, Revised, 1994[~~III, Revised, 1987~~], then no further evaluation is necessary.

(6) If the person is admitted to a nursing facility, the nursing facility shall submit a copy of the Level I screening to the department and shall retain a copy of the Level I screening in the resident's medical record.

(7) If the Level I screening indicates the person may have serious mental illness or mental retardation, then the Level I screener shall complete a notice of referral to the state authority that shall conduct the Level II evaluation. The notice shall be on a form provided by the department. The screener shall give the notice to the person, his legal representative, and the nursing facility.

R414-503-4. Preadmission Level II Evaluation.

(1) The purposes of the preadmission Level II evaluation are to determine whether a person with serious mental illness or mental retardation who seeks admission to a nursing facility requires the level of services provided by a nursing facility and whether the person requires specialized services.

(2) If a Level I screening indicates a Level II evaluation is required, then a nursing facility may not admit the person unless the Level II evaluation is completed and determines that it is appropriate to place the person in a nursing facility. The Level II evaluation is not required for a person who is any one of the following:

(a) A provisional admission in which the person has delirium where an accurate diagnosis cannot be made until the delirium clears, or in emergency situations where the nursing facility placement will not exceed seven days. However, if the placement exceeds seven days, the Level II evaluation shall be completed;

(b) Readmitted to a nursing facility after being transferred to a hospital, or for a person who is transferred from one nursing facility to another[~~, operated by the same provider~~], with or without an intervening hospital stay; or

(c) Admitted to a nursing facility directly from a hospital where the person received acute inpatient care, and the person requires nursing facility services for the condition treated in the hospital, and the attending physician certifies before admission to the nursing facility that the person is likely to require a stay of less than 30 days. If a resident enters a nursing facility through such an exempted hospital discharge and then remains in the nursing facility for more than 30 days, then the resident shall be referred to the state mental health or mental retardation authority for an annual resident review within 40 calendar days of admission.

(3) The department shall deny reimbursement for a resident if the nursing facility fails to assure that the resident's Level II evaluation is completed as required.

(4) If the Level I screening indicates the person may have mental retardation, then the person shall be referred to the Department of Human Services Division of Services for People with Disabilities for the Level II determination. If the Level I screening indicates the person may have a serious mental illness, then the person shall be referred to the Department of Human Services Division of Mental Health for the Level II determination. If the Level I screening indicates the person may have both a serious mental illness and mental retardation, then the person shall be referred to both divisions.

(5) The Level II evaluation shall be based on the criteria established pursuant to 42 USC 1396r(f)(8), and addressing the level of nursing services, specialized services, and specialized rehabilitative services needed. Based on those criteria, the Level II evaluation shall make one of the following [~~six~~]seven determinations:

(a) The person does not need nursing facility services. This determination disqualifies the person for placement in a nursing facility and Medicaid reimbursement;

(b) The person does not need nursing facility services but needs specialized services. This determination disqualifies the person for placement in a nursing facility and Medicaid reimbursement;

(c) The person needs nursing facility services but does not need specialized services. This determination qualifies the person for placement in a nursing facility and Medicaid reimbursement;

(d) The person is not a danger to himself or others and is being released from an acute care setting and requires a medically prescribed period of convalescent care in a nursing facility. This determination qualifies the person for placement in a nursing facility and Medicaid reimbursement for a period not to exceed 120 days with a categorical Level II evaluation. However, if the placement exceeds 120 days, the Level II evaluation shall be completed;

(e) The person is not a danger to himself or others and is certified by a physician to be terminally ill (a medical prognosis of a life expectancy of less than six months) and requires continuous nursing care or medical supervision or treatment due to a physical condition. The nature and extent of the person's need for nursing care, medical supervision, and medical treatment shall be the determining factors, and the existence of a chronic mental or physical disability shall be incidental considerations. This determination qualifies the person for placement in a nursing facility and Medicaid reimbursement with a categorical Level II evaluation; or

(f) The person has a severe physical illness that results in a level of impairment so severe that the recipient could not be expected to benefit from specialized services, like a categorical

determination such as coma, ventilator dependence, or functioning at brain stem level, or a diagnosis such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, or congestive heart failure. This determination qualifies the person for placement in a nursing facility and Medicaid reimbursement with a categorical Level II evaluation.

(g) The person has a 14 day or less stay to provide respite to in-home care givers to whom the individual with MI or MR is expected to return following the brief Nursing Facility stay.

(6) If at any time during the Level II evaluation the evaluator determines that the person does not have serious mental illness or mental retardation, or has a primary diagnosis of dementia without mental retardation, then the Level II evaluation may be stopped.

(7) The person or agency doing the evaluation shall provide a copy of the Level II determination and findings to the person evaluated, his legal representative, his attending physician, the discharging hospital, the nursing facility for retention in the person's medical record, if admitted, and to the department prior to Medicaid reimbursement.

. . . . . .

R414-503-6. Significant Change of Condition.

(1) The Nursing Facility shall notify the State mental health authority or mental retardation/developmental disability authority, as applicable, after a significant change in the physical or mental condition of a resident who is mentally ill or mentally retarded when there is a significant change in a resident's health status which has a bearing on his or her active treatment needs.

(2) The State mental health or mental retardation authorities must complete a review and determination after the notification by the Nursing facility of a significant change in the resident's physical or mental condition which has a bearing on his or her active treatment needs.

R414-503-[6]7. Out-of-State Arrangements.

The state in which the person is a resident (or would be a resident at the time he becomes eligible for Medicaid), as defined in 42 CFR 435.403, shall pay for the Level II evaluation in accordance with 42 CFR 431.52(b).

KEY: medicaid
[1994]2001 **26-1-5**
Notice of Continuation September 15, 1999 **26-18-3**
63-46a-7(1)(a)

Health, Health Systems Improvement, Child Care Licensing
R430-100
Child Care Center

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23811
FILED: 05/30/2001, 11:41
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule identifies minimum health and safety standards for child care center operations.

SUMMARY OF THE RULE OR CHANGE: Section R430-100-3: Correct the definition of "Infant" to twelve months and younger. Section R430-100-6: Correct numbering on Subsection R430-100-6(7) to Subsection R430-100-6(6). Subsection R430-100-7(3): Add the requirement that the 18-year-old care giver must have met the annual in-service training requirements prior to supervising a care giver aide. Subsection R430-100-7(3)(vi): Eliminate the second sentence as redundant. Subsection R430-100-7(5)(g): Add Section 62A-4a-411 to be consistent with Subsection (3)(v). Subsection R430-100-3(5): Modify definition for "Immediately accessible records." Subsection R430-100-7(2): Modify the requirement to ensure care givers are trained to service the needs of children. Subsection R430-100-13(6): Clarify that the rule addresses oral over-the-counter medications and all prescribed medications to have written instructions from the parents for administration. Subsection R430-100-14(1): Add requirement that the OSHA kit be kept on-site. Subsection R430-100-9(4): Clarify that the child ratio may be double during nap time if the children are in a restful or non-activity state.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Printing and mailing costs for a copy of the rule to be sent to a child care center will amount to $10. To provide all 287 child care centers with a copy will cost $2,870.
❖LOCAL GOVERNMENTS: Local government should not have an increased cost or savings since they are not responsible for enforcement of this rule or the operation of a child care program.
❖OTHER PERSONS: There should not be an additional cost to affected parties, most of the rule changes are clarifications and are not substantive changes. The cost of the rule change was reflected in the original filing of the rule.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be an additional cost to affected parties, most of the rule changes are clarifications and are not substantive changes. The cost of the rule change was reflected in the original filing of the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change responds to public comments and implements primarily technical changes. There should be no significant cost to regulated parties to implement this rule. Rod L. Betit

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

Health
Health Systems Improvement,
Child Care Licensing
Second Floor, Cannon Health Building
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R430. Health, Health Systems Improvement, Child Care Licensing.
R430-100. Child Care Center.
R430-100-3. Definitions.

(1) "Accessible" means records are available for Department review within 10 days.

(2) "Direct supervision" means that the care giver can see and hear the children under age six, and is near enough to intervene when needed. Care givers must be able to hear school-age children and be near enough to intervene.

(3) "Conditional enrollment" means that a child is admitted to a child care program and has received at least one dose of each required vaccine prior to enrollment and is on a schedule for subsequent vaccinations.

(4) "Group" means a number of children assigned to one or two care givers, occupying an individual classroom or an area segregated by furniture or other structure within a large room.

(5) "Immediately Accessible Records" means [~~records for children and staff that are currently enrolled or currently employed shall be available for Department review on-site or within 24 hours~~]information contained within the client children's and staff members files, currently enrolled or employed, which shall be made available for Department review on-site or within a 24 hour period.

(6) "Infant" means any child [~~under the age of~~]12 months of age and younger.

(7) "Toddler" means a child 13 to 24 months.

R430-100-6. Administration and Organization.

(1) The licensee shall exercise supervision over the affairs of the facility and establish policies to comply with this rule.

(2) Duties and responsibilities of the licensee include the following:

(a) Compliance with federal, state, and local laws and for the overall organization, management, operation, and control of the facility;

(b) Establishment of written policies and procedures for the health and safety of children in the facility shall be available for review by parents and staff. The Department shall provide templates for all required policies and procedures and if the licensee elects to use the approved templates the rule is considered met. The policies and procedures shall address at least each of the following areas:

(i) training and education levels of care giver positions;

(ii) exclusion of care givers and children with infectious and communicable diseases;

(iii) supervision and protection of children when they are sleeping, using the bathroom, in a special mixed group activity, on the playground, and during off-site activities;

(iv) releasing children to authorized individuals;

(v) administration and storage of medications;

(vi) discipline of children;

(vii) transportation to and from school and to and from off-site activities;

(viii) emergency and disaster plans;

(ix) the use and presence of tobacco, alcohol, illegal substances and sexually explicit material; and

(x) hand washing

(xi) firearms; and

(xii) food service.

(c) Appoint, in writing, a qualified director who shall assume responsibility for the day-to-day operation and management of the facility.

(d) Keep the Department informed of the current center phone number.

(3) The director or designee of a child care center shall have sufficient freedom from other responsibilities to manage the facility and shall be on the premises during operating hours.

(4) The director of the child care center shall have the following qualifications:

(a) Be at least 21 years of age;

(b) Have knowledge of applicable laws and rules; and

(c) Except for directors of child care centers who are listed as director on a child care license before January 1, 1998, the child care center director must have a high school diploma or GED equivalent and one of the following:

(i) A bachelor's or associate's degree in Early Childhood or Child Development, or a bachelor's degree in a related field and proof of passing four higher education courses in child development; or

(ii) A national or state certification such as a Certified Childcare Professional (CCP), National Administrator Credential, Child Development Associate (CDA), or other credential that the licensee demonstrates to the Department as equivalent.

(5) Duties and responsibilities of the director, or the owner if the duties and responsibilities have not been delegated to the director, include the following:

(a) Designate, in writing, a competent care giver who is at least 21 years of age to act as director in his temporary absence;

(b) Recruit, employ, and train staff to meet the needs of the children;

(c) On the day of discovery, notify the local health department of any reportable communicable diseases among children or care givers, and any sudden or extraordinary occurrence of serious or unusual illness in accordance with Section R386-702-2; and

(d) Conduct regular inspections of the facility to ensure it is safe from potential hazards to children.

([~~7~~]6) The director, or the owner if the duties and responsibilities have not been delegated to the director, shall establish and enforce policies to ensure that the following are prohibited anywhere on the premises during the hours of operation:

(a) the use of tobacco;

(b) the use of alcohol;

(c) the use or possession of illegal substances; and

(d) the use or possession of sexually explicit material.

R430-100-7. Personnel.

(1) The director shall ensure that adequate direct supervision is maintained whenever the center is operating. The care giver-to-child ratios established in R430-100-9 are minimum requirements only. The director shall ensure that policies exist to adjust these ratios when the age and the number of children require additional care givers to maintain adequate levels of supervision and care.

(2) [~~The director shall ensure that all care givers meet the needs of the children~~]The director shall train all care givers to be able to service the needs of the children in their care, and organize staff efforts to achieve that end.

(3) All care givers who provide direct services in a child care center shall be at least 18 years of age or have completed high school or a GED. In addition to the required staff ratios, child care services may be provided by an individual who is 16 years old, if he works under the direct supervision of a care giver at least 18 years old, who has completed 20 hours of in-service training and meets all licensing requirements.

(a) All care givers shall have access to and have read and documented their understanding of the facility's policies and procedures;

(b) Each new care giver shall receive orientation training prior to being left unsupervised with children. Training shall be documented to show topic, date of completion, and the first date of working unsupervised with the children. Training shall cover the following topics:

(i) Job description;

(ii) Introduction and orientation to the children, which includes special conditions, e.g., allergies and medical conditions;

(iii) Procedures for releasing children to parents or guardians;

(iv) Center policies and procedures;

(v) Reporting requirements for witnessing or suspicion of abuse, neglect and exploitation, according to Section 62A-4a-403(1) and 62A-4a-411 and how to make necessary reports; and

(vi) Department Informational Guide to Parents which identifies the areas inspected annually and a contact telephone number for parents to report concerns.[~~This department guide must be distributed to parents upon enrollment.~~]

(4) Each director shall ensure that all care givers are screened for tuberculosis by the Mantoux tuberculin skin test method within 30 days of assuming care giver responsibilities.

(a) If the Mantoux test is positive, the care giver will provide documentation of a negative chest radiograph.

(b) Tuberculin skin testing does not need to be repeated during the employment period unless the employee develops signs and symptoms of the disease, as determined by a health care professional.

(5) All care givers shall receive a minimum of 20 hours of documented in-service training annually. At least 10 hours of the in-service training shall be in person. The training shall include the following:

(a) Principles of good nutrition;

(b) Proper hand washing, OSHA requirements and sanitation techniques;

(c) Proper procedures in administration of medications;

(d) Recognizing early signs of illness and determining when there is a need for exclusion from the facility;

(e) Accident prevention and safety principles;

(f) Reporting requirements for communicable and infectious diseases;

(g) Reporting requirements for abuse, neglect and exploitation according to Section 62A-4a-403(1) and 62A-4a-411; and

(h) Positive guidance for the management of children.

(6) If the center provides infant care, the following in-service training is required as part of the required in-service hours:

(a) Preventing Shaken Baby Syndrome;

(b) Preventing Sudden Infant Death Syndrome;

(c) Coping with crying babies; and

(d) Development of the brain.

R430-100-9. Care Giver to Child Ratio.

(1) The licensee must maintain minimum care giver to child ratios as provided in Tables 1 and 2.

TABLE 1
Minimum Care Giver to Child Ratios

Staff	Number of Children	Group Size	Ages
1	4	8	0 to 12 months
1	4	8	13 to 24 months
1	7	14	2 year old
1	12	24	3 year old
1	15	30	4 year old
1	20	35	5 years and over

(2) There shall be at least two care givers at the center at all times when there are more than six children present or more than two infants present;

(3) Centers may maintain mixed age groups, and shall comply with Table 2 requirements and the following ratio requirements:

(a) Ratios and group size for mixed age groups shall be determined by averaging the ratios of the ages represented in the group;

(b) The ratio for the youngest children shall be utilized if more than half of the group is composed of children in the youngest age group.

TABLE 2
Minimum Care Giver to Child Ratios - Mixed Age Groups

Ages	Ratio	Group Size
Two Ages Mixed		
Infant and Toddlers	1:4	8
Toddlers and two year olds	1:5	10
Two and three year olds	1:9	18
Three and four year olds	1:14	25
Four years and older	1:18	25
Three Ages Mixed		
Toddlers, two and three year olds	1:7	14
Two, three and four year olds	1:11	22
Three, four and school age	1:16	25

Four Ages Mixed		
Toddlers, two, three and four year olds	1:9	18
Two, three, four and school age	1:13	25

(4) During nap time the child ratio may double for not more than two hours for children 24 months and older, if the children are in a restful or non-activity state and, if a means of communication is maintained with another care giver who is also on-site.

(5) A child of an employee or owner age four or older will not be counted for determining care giver to child ratios.

(6) If child to care giver ratios are maintained an exception is granted to group size requirements when a center program has a planned activity and during transition times not to exceed two hours daily.

(7) A variance may be requested as required by R430-100-5 for programs who were licensed prior to July 1997.

R430-100-13. Medications.

(1) If medications are given, medications shall be administered to children only by a trained, designated care giver. A care giver who administers medication shall be trained to:

(a) check the label and confirm the name of the child,

(b) read the directions regarding measured doses, frequency, expiration date, and other administration guidelines, and

(c) properly document administration of medication records according to Subsection R430-100-13(3).

(2) The parent or guardian must complete a medication release form for each child receiving medications at the center that contains:

(a) the name of the medication;

(b) the dosage;

(c) the route of administration;

(d) the times and dates to be administered;

(e) the illness or condition being treated; and

(f) the parent or guardian signature.

(3) Medication records shall be maintained that include:

(a) The times, dates, and dosages of the medications given;

(b) The signature or initials of the care giver who administered the medication; and

(c) Documentation of any errors in administration or adverse reactions.

(4) The center director or designee shall report any adverse reaction to a medication or error in administration to the parent or legal guardian immediately upon recognizing the error or reaction.

(5) Medications shall be secured from access to children.

(6) The oral over-the counter and all prescription medications must be in the original or pharmacy container, have the original label, include the child's name, have child proof caps and have written instructions for administration provided by the parents.

(7) Medications stored in refrigerators shall be in a covered container with a tight fitting lid.

(8) The director shall return unused prescription and over the counter medications to the parent or guardian. The director shall destroy out-of-date medications or return the medications to the parent or guardian.

R430-100-14. Infection Control.

(1) The director shall keep on-site and maintain a portable blood and bodily fluid clean-up kit. All care givers shall know the location and how to use the kit.

(a) The kit shall include: a portable container, disposable gloves, absorbent powder or clumping kitty litter, a plastic garbage bag, a miniature dustpan and hand broom, a paper towel and a small container of disinfectant.

(b) All care givers shall comply with the universal blood and bodily fluid precautions according to the OSHA Bodily Fluid Blood-Borne Pathogen standard.

(2) Personal hygiene items such as combs, hair accessories, and toothbrushes may not be shared between children.

(3) Indoor activity equipment, such as climbing structures and play houses, and toys shall be cleaned and sanitized weekly or more often as necessary. If some equipment is not cleanable the director or owner shall ensure children and care givers wash hands prior to using the equipment, card board puzzles, books, etc.

(4) Stuffed animals and dress-up clothes shall be machine washed weekly.

(5) If water play tables are used, the care giver shall wash and sanitize the table daily and children shall wash their hands prior to engaging in the activity.

(6) In child care centers, hand washing procedures shall be posted at all hand washing sinks and followed.

(7) Written hand washing policies shall be established to include:

(a) Care givers and children shall wash and scrub their hands for 20 seconds with liquid soap and warm running water. A variance to using liquid soap may be requested as required by R430-100-5.

(b) The use of hand sanitizers shall not replace hand washing, except during off-site activities.

(c) Care givers shall teach children proper hand washing techniques and oversee hand washing whenever possible.

(d) Care givers and children shall wash their hands after using the toilet, before and after eating, upon returning from outdoor playtime, after wiping noses, after handling animals and before and after food preparation.

(e) Only single use towels from a covered dispenser or electric hand-drying device may be used to dry hands.

KEY: child care facilities
[~~April 17,~~] 2001 **26-39**

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Health, Health Systems Improvement, Licensing
R432-1-3
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23784
FILED: 05/18/2001, 15:36
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Hospital Association presented a request to the Health Facility Committee to review the length of time within which repeat deficiencies can lead to sanction actions by the Bureau. The modification clarifies the definition of "Chronic Noncompliance."

SUMMARY OF THE RULE OR CHANGE: The definition of "Chronic Noncompliance" is modified to four years within which repeat deficiencies will be counted towards sanctions and clarifies what agencies inspections will be used.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There is a cost to print and distribute the rule change which can be borne within the current budget.
❖LOCAL GOVERNMENTS: There is no cost to local government agencies since this rule only applies to a definition of a term used in the Rule R432-1 program standards.
❖OTHER PERSONS: There is a potential for savings to providers by eliminating or reducing the possibility of having sanctions imposed. However, the actual costs are too difficult to quantify.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Inasmuch as this rule applies to facilities that may become chronically noncompliant, it is impossible to quantify which facility it will affect or to what extent, if at all.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Reducing the "chronic noncompliance" period from five to four years should have a positive fiscal impact on regulated businesses. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Health
Health Systems Improvement, Licensing
Second Floor, Cannon Health Building
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debra Wynkoop at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R432. Health, Health Systems Improvement, Licensing.
R432-1. General Health Care Facility Rules.
R432-1-3. Definitions.

(1) Terms used in this rule are defined in Section 26-21-2. In addition:

. . . . . .

(25) "Certified Social Worker" means an individual licensed by the Utah Department Commerce under Title 58, Chapter 60.

(26) "Chronic Noncompliance" means [~~three or more violations of a single licensing rule requirement which are documented in five inspections, including~~]a violation of the same licensing administrative rule which is documented in any three inspections within a four year period. Inspections may include complaint investigations, surveys, or follow-up inspections on plans of correction, or any combination of [~~them~~]these inspections that is documented by the Department, an accrediting organization or a federal agency.

(27) "Clinical Note" means a dated, written notation by a member of the health team which indicates contact with a patient and describes any of the following: signs and symptoms of dysfunction, treatment given or medication administered, the patient's reaction, changes in physical or emotional condition, or services provided.

. . . . . .

KEY: health facilities
[~~November 6, 2000~~]2001 **26-21-2**
Notice of Continuation January 20, 1999

Insurance, Administration
R590-203
Health Care Benefits-Grievance Review Process Rule

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 23814
FILED: 05/31/2001, 12:49
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to ensure that health insurer grievance review procedures for individual and employer health benefit plans comply with the Department of Labor regulations dealing with claim procedures, and with Subsection 31A-22-629(4).

SUMMARY OF THE RULE OR CHANGE: The rule applies to health insurers and health maintenance organizations and requires them to follow the Department of Labor's grievance review procedures for both their individual and employer benefit

plans. The rule also requires these insurers to make available to the department their grievance review procedures and related documentation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-2-203, and 31A-22-629
FEDERAL REQUIREMENT FOR THIS RULE: 29 CFR 2560.503-1

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The new federal grievance review laws will require insurers to change their grievance review procedures thus requiring them to resubmit to the department, the updated procedure along with a $20 filing fee. This will affect an estimated 350 HMO and health insurers doing business in Utah. This rule will not reduce costs for the department.
❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.
❖OTHER PERSONS: The estimated 350 insurers will pay $20 for a filing fee and may have administrative costs, which may include the hiring of additional people, to comply with shorter time frame requirements established by the Department of Labor regulation. Administrative impacts will be different from company to company based on grievance procedures already utilized by the company. Insurers will also incur additional costs as a result of the requirement in the federal rule for them to pay all grievance review costs. Consumers who have claims that go to arbitration will save money. However, the fiscal impact to health insurers may be made up in increased premium rates to consumers.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The estimated 350 insurers will pay $20 for a filing fee and may have administrative costs, which may include the hiring of additional people, to comply with shorter time frame requirements established by the Department of Labor regulation. Administrative impacts will be different from company to company based on grievance procedures already utilized by the company. Insurers will also incur additional costs as a result of the requirement in the federal rule for them to pay all grievance review costs. Consumers who have claims that go to arbitration will save money. However, the fiscal impact to health insurers may be made up in increased premium rates to consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A significant impact will be felt by insurers, individuals and employer groups who will have to pay for the implementation of this new federal regulation and the increased health insurance rates that will probably result from the implementation.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/26/2001, 1:00 p.m., Room 2112, State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-203. Health Care Benefits-Grievance Review Process Rule.
R590-203-1. Authority.

This rule is specifically authorized by 31A-22-629(4) allows the commissioner to establish minimum standards for grievance review procedures. The rule is also promulgated pursuant to Subsections 31A-2-201(1) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce this title and to make rules to implement the provisions of this title. The authority to examine insurer records, files, and documentation is provided by 31A-2-203.

R590-203-2. Purpose.

The purpose of this rule is to ensure that health insurer grievance review procedures for individual and employer health benefit plans comply with the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure, 29 CFR 2560.503-1.

R590-203-3. Applicability and Scope.

This rule applies to all health insurance policies and health maintenance organization contracts, as defined by 31A-1-301 covering individual health benefit plans and employer benefit plans sold in the State of Utah and effective on or after January 1, 2001. Long Term Care and Medicare supplement policies are not considered health insurance policies for the purpose of this rule.

R590-203-4. Grievance Review Procedures.

An insurer's grievance review process shall be compliant with the grievance review requirements set forth in the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure, Claims Procedure, 29 CFR 2560.503-1, effective January 20, 2001. This document is incorporated by reference and available for inspection at the Insurance Department and the Department of Administrative Rules.

The federal regulation applies to claims filed on or after January 1, 2002.

R590-203-5. File and Record Documentation.

An insurer shall make available upon request by the commissioner, or the commissioner's duly appointed designees, all grievance reviews files and related documentation.

R590-203-6. Compliance.

Insurers are to be compliant with the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure, Claims Procedure, 29 CFR 2560.503-1, by January 1, 2002.

R590-203-7. Relationship to Federal Rules.

If an insurer complies with the requirements of the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure, Claims Procedure, 29 CFR 2560.503-1, then this rule is not applicable to employer benefit plans. However, individual health benefit plans will remain subject to this rule.

R590-203-8. Severability.

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

KEY: insurance
2001 **31A-2-201**
31A-2-203
31A-22-629

Insurance, Administration
R590-211
Underinsured Motorist Insurer Notification Ruling

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 23813
FILED: 05/31/2001, 11:26
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide the manner in which all motor vehicle liability insurers shall give notification once liability policy limits have been tendered.

SUMMARY OF THE RULE OR CHANGE: The rule provides the manner in which all motor vehicle liability insurers shall give notification once liability policy limits have been tendered.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-22-305

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This will have no impact on the department or the general fund. No additional work will be required of the department and no form or rate filings will be required of the insurer, which if required would result in a filing fee paid to the department.

❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.

❖OTHER PERSONS: Only cost to the insurance industry would be that related to the printing and mailing of the letter of notification.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Only cost to the insurance industry would be that related to the printing and mailing of the letter of notification.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be no measurable fiscal impact on the insurance industry and none on local businesses.

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

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

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/10/2001, 10:00 a.m., Room 4112, State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/31/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance Administration.
R590-211. Underinsured Motorist Insurer Notification Ruling.
R590-211-1. Authority.

This rule is promulgated pursuant to the general rulemaking authority vested in the commissioner by Subsection 31A-2-201(3). The authority to set minimum standards by rule for the manner in which notification shall be given between the liability insurer and underinsured motorists insurer is provided in Subsection 31A-22-305(12)(a).

R590-211-2. Purpose.

The purpose of this rule is to provide the manner in which all motor vehicle liability insurers shall give notification once liability policy limits have been tendered.

R590-211-3. Scope.

This rule applies to property and casualty insurers transacting business in Utah.

R590-211-4. Rule.

At the time that the motor vehicle liability carrier tenders its liability policy limits, it shall notify the underinsured carrier of all persons to whom policy limits have been tendered. Notification shall include particulars for proper identification not limited to the following:

(a) name and address of the insured;

(b) policy number;

(c) date of loss;

(d) date of the payment; and

(e) amount of the payment.

Notification shall be sent or delivered to the underinsured carrier by certified mail return receipt requested, or other acceptable means of communication including electronic transmission.

R590-211-5. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

R590-211-6. Compliance Date.

This rule is in effect on the date stated in the Notice of Effective Date form relating to this rule that the department files with the Division of Administrative Rules (the "effective date"). The effective date will follow a period of 45 days during which interested parties will have time to prepare to be in compliance with this rule. It will also be the date on which the department will begin enforcing this rule. The Notice of Effective Date is published in the "Utah State Bulletin", a publication of the Division of Administrative Rules. The "Utah State Bulletin" is found at the website, http://www.rules.state.ut.us/. In addition, the effective date may be found at the department's website, http://www.insurance.state.ut.us/, by clicking on INDUSTRY RESOURCES and then RULES and scrolling down to the appropriate reference to the rule.

KEY: insurance
2001 **31A-2-201**
31A-22-305

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Money Management Council, Administration
R628-16
Certification as a Dealer

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23805
FILED: 05/30/2001, 11:04
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the five-year review process for R628-16, the Council found some items that needed to be clarified. Also, during renewal time in past years, the Council has noted that more time may have been needed to clean up applications and receive requested information to re-certify brokers.

SUMMARY OF THE RULE OR CHANGE: These changes remove the address reference to the Securities Division which has been incorrect for some time. This address is provided to applicants on the form which is sent to any broker considering becoming certified. The change also removes the dollar amount and refers to the statue where the fee is noted. Language on arbitration is clarified and the date for filing the application has been changed to April 30 from May 30. It also allows 10 days for additional requested information to be provided by the broker if needed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 51-7-3(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--Fee is the same.
❖LOCAL GOVERNMENTS: None--Does not apply to public.
❖OTHER PERSONS: None--Fee does not change.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The fee and application process currently in place does not change, so there are no additional costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Changing the date the application is requested by and allowing for time to correct any problems found in the application, may actually save a broker from being dropped off the list and therefore potentially losing sales income until they are placed back on the list.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Money Management Council
Administration
215 State Capitol
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ann Pedroza at the above address, by phone at (801) 538-1883, by FAX at (801) 538-1465, or by Internet E-mail at apedroza@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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Edward T. Alter, Treasurer

R628. Money Management Council, Administration.
R628-16. Certification as a Dealer.

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R628-16-3. Purpose.

[~~The purpose of t~~]This rule[~~ is to~~] establishes a uniform standard to evaluate the financial condition and the standing of a broker-dealer to determine if investment transactions with public treasurers by broker-dealers would expose public funds to undue risk.

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R628-16-6. Application to Become a Certified Dealer.

A. Any broker-dealer wishing to become a certified dealer under the State Money Management Act must submit an application to the Utah Securities Division.[~~, P.O. Box 45802, Salt Lake City, Utah 84145.~~]

B. The application must include:

(1) Primary Reporting Dealers: Proof of status as a primary reporting dealer, including proof of recognition by the Federal Reserve Bank, if applicant is a primary reporting dealer.

(2) Office Address: The address of the applicant's principal office. Broker-dealers who are not primary reporting dealers must have and maintain an office and a resident principal in Utah; the application shall include the address of the Utah office and the identity of the resident principal.

(3) Broker-Dealer Registration: Proof of registration with the Division under its laws and rules, effective as of the date of the application, of the following:

(a) the broker-dealer;

(b) its resident principal (if one is required); and

(c) any agents of a firm doing business in the state.

(4) Corporate Authority: A Certificate of Good Standing, obtained from the state in which the applicant is incorporated. An applicant who is a foreign corporation also must submit a copy of its Certificate of Authority to do business in Utah, obtained from the Corporations Division of the Department of Commerce (hereinafter the "Corporations Division")[~~, P.O. Box 45801, Salt Lake City, Utah 84145, telephone (801) 530-4849~~].

(5) Financial Statements: With respect to applicants who are not primary reporting dealers, financial statements, prepared by an independent certified public accountant in accordance with generally accepted accounting principles, indicating that the applicant has, as of its most recent fiscal year end:

(a) Net Capital: Minimum net capital, as calculated under rule 15c3-1 of the General Rules and Regulations under the Securities and Exchange Act of 1934 (the Uniform Net Capital Rule), of at least 5% of the applicant's aggregate debt balances, as defined in the rule, and;

(b) Total Capital: Total capital as follows:

(i) of at least $10 million or;

(ii) of at least $25 million, calculated on a consolidated basis, with respect to an applicant which is a wholly-owned subsidiary.

(6) Government Securities Act Registration: Proof of the firm's registration under the Government Securities Act of 1986 (100 Stat 3208).

(7) Account Documents: Copies of all agreements, contracts, or other documents that the applicant requires or intends to require to be signed by the public treasurer to open or maintain an account. These documents must meet the following requirements:

(a) The Director shall not certify any applicant who requires, or proposes to require, that any dispute arising out of transactions between the applicant and the public treasurer must be submitted to arbitration. The applicant must provide copies of agreements signed or to be signed, which allow the public treasurer to select the forum and method for dispute resolution, whether that forum be arbitration, mediation or litigation in any state or federal court.

(b) Any customer agreement shall provide that suit may be litigated in a Utah court, and that Utah law shall apply in settling disputes, where relevant.

(8) Knowledge of Money Management Act: A notarized statement, signed by a principal and by any agent who has any contact with a public treasurer or its account, that the agent is familiar with the authorized investments as enumerated in Section 51-7-11(3) and the rules of the Council, and with the investment objectives of the public treasurer, as set forth in Section 51-7-17(1).

(9) Fee: A non-refundable fee [~~of $500~~]as described in Section 51-7-18.3(2), payable to the Division.

R628-16-7. Certification.

A. Initial Certification: The initial application for certification must be received on or before the last day of the month for approval at the following month's council meeting.

B. Date of Effectiveness: All certifications shall be effective upon approval by the council.

C. Expiration; Renewal: All certifications not otherwise terminated shall expire on June 30 of each year, unless renewed. Renewal applications must be received on or before [~~May~~]April 30 of each year.

R628-16-8. Renewal of Application.

A. Certified dealers wishing to keep their status as certified dealers must reapply annually, on or before [~~May~~]April 30 of each year, for recertification to be effective July 1 of each year.

B. The renewal application must contain all of the documents and meet all of the requirements as set forth above with respect to initial applications.

C. The renewal application must be accompanied by an annual renewal fee [~~of $500~~]as described in Section 51-7-18.3(2).

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R628-16-11. Grounds for Suspension or Termination of Status as a Certified Dealer.

Any of the following constitutes grounds for suspension or termination of status as a certified dealer:

A. Termination of the dealer's status as a primary reporting dealer if the dealer gained certification as a primary reporting dealer.

B. Denial, suspension or revocation of the dealer's registration under the Government Securities Act, or by the Division, or by any other state's securities agency.

C. Failure to maintain a principal office operated by a resident registered principal in this state, if applicable.

D. Failure to maintain registration with the Utah Securities Division by the firm or any of its agents having any contact with a public treasurer.

E. Failure to remain in good standing in Utah with the Corporations Division, or to maintain a certificate of authority, as applicable.

F. Failure to submit within 10 days of the due date the required financial statements[~~on time~~], or failure to maintain the required minimum net capital and total capital.

G. Requiring the public treasurer to sign any documents, contracts, or agreements which require that disputes be submitted to mandatory arbitration.

H. The sale, offer to sell, or any solicitation of a public treasurer by an agent or by a resident principal, where applicable, who is not certified.

I. Failure to pay the annual renewal fee.

J. Making any false statement or filing any false report with the Division.

K. Failure to file amended reports as required in section R628-16-9.

L. The sale, offer to sell, or any solicitation of a public treasurer, by the certified dealer or any of its employees or agents, of any instrument or in any manner not authorized by the Money Management Act or rules of the Council.

M. Failure to respond to requests for information from the Division or the Council within 15 days after receipt of a request for information.

N. Failure to maintain registration under the federal Government Securities Act.

O. Engaging in a dishonest or unethical practice in connection with any investment transaction with a public treasurer. "Dishonest or unethical practice" includes, those acts and practices enumerated in Rule R164-6-1g.

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KEY: cash management, public investments, securities, regulation stock brokers
[~~1990~~]2001 **51-7-3(1)**
Notice of Continuation November 3, 2000 **51-7-18(2)(b)(v)**

Natural Resources; Oil, Gas and Mining Board
R641-105
Filing and Service

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23812
FILED: 05/30/2001, 14:23
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The enactment of this rule will enable the Board and Division of Oil, Gas, and Mining to make better-informed analyses and decisions in adjudicative matters by ensuring more lead time in submitting exhibits and requiring two more copies of materials submitted.

SUMMARY OF THE RULE OR CHANGE: The proposed rule changes make a housekeeping change to the rule, require exhibits to be submitted at the same time as pleadings and responses, and require two additional copies of pleadings, affidavits, briefs memoranda, and exhibits.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-6-1

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Enactment of the proposed rule changes would probably not be a significant cost or savings to the State budget. It is not possible to project exactly how submitting exhibits at an earlier deadline affects the state budget. The passage of the rule changes however, may forestall the need for an additional hearing as could happen under the current rule, in the event that the Division requests the continuance of a hearing because it needs additional time to examine exhibits that are submitted two days in advance of a hearing date. This would be a cost deferral until the following month since Board hearings are scheduled regularly on a monthly basis.
❖LOCAL GOVERNMENTS: There will be little or no impact on local government because they are not regular hearing participants.
❖OTHER PERSONS: The prospect of submitting exhibits at the same time that pleadings and responses are filed with the Board probably will not increase costs since documents are already being submitted.
COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply with this rule amendment, a petitioner or respondent would need to submit two additional copies of the package of materials already planned to be filed with the board. Depending on the size of the package submitted, the cost could range from $10 per hearing (held once a month) for 2 extra copies of a 50-page document to $40 per hearing for a 200-page document. The cost of maps, and other graphics would be additional.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a small but justifiable fiscal impact to hearing participants from these rule amendments. However, the improved level of scrutiny resultant from additional opportunity for analysis by the Board and Division in having the entire package in hand at the earlier date will be an improvement in procedures.

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

Natural Resources
Oil, Gas and Mining Board
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at nrogm.rdaniels@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/27/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

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R641. Natural Resources; Oil, Gas and Mining Board.
R641-105. Filing and Service.
R641-105-100. Requests for Agency Action (Petitions).

All Requests for Agency Action filed by the 10th day of each calendar month may be considered by the Board for inclusion in the schedule of matters to be heard at its regularly scheduled meeting during the following calendar month. At the time the request is filed, petitioner will also file any exhibits, motions, affidavits, briefs, or memoranda intended to be offered by petitioner in support of said petition or motion. Petitioner will file with the petition a list of the names and last known addresses of all persons required by statute to be served or whose legally protected interest may be affected thereby. This rule will apply to all matters initiated by the Board on its own motion as well as to statements, briefs, or memoranda in support thereof prepared by the Division or by the Staff. Any petition or other materials filed after the 10th day of any calendar month may be considered by the Board at its regularly scheduled meeting during the following month only upon separate motion of petitioner made at or before the hearing for good cause shown.

R641-105-200. Responses.

[~~210.~~]All responses to petitions, responses to motions by petitioner, and motions by respondent, together with all affidavits, briefs, or memoranda in support thereof, filed by the 10th day of the month or two weeks before the scheduled hearing, whichever is earlier, in the month in which the hearing on the matter is scheduled (the "Response Date") may be considered by the Board at its regularly scheduled meeting during that month. This rule will apply to all statements, briefs, or memoranda prepared by the Division or by the Staff in response to any petition or motion by petitioner. Any responses or other materials filed after the Response Date may be considered at the Board's regularly scheduled meeting for that month only upon separate motion of respondent made at or before the hearing for good cause shown.

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R641-105-500. Exhibits.

Any exhibits intended to be offered by petitioners will be filed with the Notice of Agency Action or Request for Agency Action.[~~,~~ ~~r~~] Respondents[~~,~~] and intervenors will supply exhibits with[~~in support of matters set forth in~~] their respective pleadings.[~~- will be filed with the secretary of the Board on or before the time the response is due under R641-105-200. Any exhibits filed by any party after the Response Date, but prior to the close of business two days before the hearing, may be considered by the Board at the hearing, but in such event the Staff will have the right to request a continuance of the proceedings until the next regularly scheduled meeting of the Board or hearing date of the hearings examiner. Any exhibits filed by any party after the close of business two days prior to the hearing, but before the hearing, may be considered by the Board at the hearing only upon separate motion of the party offering the exhibit made at the hearing for good cause shown.~~] Any exhibits intended to be offered by the parties in rebuttal of evidence presented at the hearing will be presented at the hearing. The Board, on its own motion, may order the continuance of any proceeding until the next regularly scheduled meeting of the Board in order to allow adequate time for the Staff to evaluate any evidence presented during the hearing.

R641-105-600. Place of Filing.

An original and [~~12~~]14 copies of all pleadings, affidavits, briefs, memoranda and exhibits will be filed with the secretary of the Board. The Board may direct any party to provide additional copies as needed.

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KEY: administrative procedure
[~~1988~~]2001 **40-6-1 et seq.**
Notice of Continuation May 1, 1998

Natural Resources; Oil, Gas and Mining; Coal
R645-301-800
Bonding and Insurance

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23815
FILED: 05/31/2001, 14:50
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes proposed in this action are intended to assure that

sureties which guarantee reclamation activities at Utah Coal Mines remain solvent and in good business stead while performing their business in behalf of Utah companies.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Coal Regulatory Program to assure that surety companies comply with prescribed standards of operating efficiency and performance while guaranteeing a coal mining company's activity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the Coal Regulatory Program requirements.
❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.
❖OTHER PERSONS: Actual on-the-ground compliance measures for coal mining operations are minor from these rule amendments. Because a similar standard for sureties is already enforced by the federal government for federal lessees, there is little effect on other persons.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators; their compliance would not be changed significantly by these rule changes. If ordered to replace a surety, coal mine operators would be required to find alternative sureties. Compliance costs would be the cost of searching for and engaging an additional, more highly rated, surety company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule amendment to business is slight since the nature of the insurance business assures competition on rates for all corporate sureties. At the same time, the State obtains more assured and guaranteed reclamation performance from the operator.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/27/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

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R645. Natural Resources; Oil, Gas and Mining; Coal.
R645-301. Coal Mine Permitting: Permit Application Requirements.
R645-301-800. Bonding and Insurance.

The rules in R645-301-800 set forth the minimum requirements for filing and maintaining bonds and insurance for coal mining and reclamation operations under the State Program.

810. Bonding Definitions and Division Responsibilities.

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860. Forms of Bonds.

860.100. Surety Bonds.

860.110. A surety bond will be executed by the operator and a corporate surety licensed to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570.

860.111. Operators who do not have a surety bond with a company that meets the standards of subsection 860.110. will have 90 days from the date of Division notification after enactment of the changes to subsection 860.110. in which to achieve compliance, or face enforcement action.

860.112. When the Division in the course of examining surety bonds notifies an operator that a surety company guaranteeing its performance does not meet the standard of subsection 860.110., the operator has 90 days after notice by mail from the Division to correct the deficiency, or face enforcement action.

860.120. Surety bonds will be noncancellable during their terms, except that surety bond coverage for lands not disturbed may be canceled with the prior consent of the Division. The Division will advise the surety, within 30 days after receipt of a notice to cancel bond, whether the bond may be canceled on an undisturbed area.

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KEY: reclamation, coal mines
[~~April 2~~], 2001 **40-10-1 et seq.**
Notice of Continuation June 6, 1997

Natural Resources; Oil, Gas and Mining; Non-Coal
R647-2-111
Surety

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23816
FILED: 05/31/2001, 14:50
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes proposed in this action are intended to assure that sureties which guarantee reclamation activities at Utah mineral exploration operations remain solvent and in good business stead while performing their business in behalf of Utah companies.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Minerals Regulatory Program to assure that surety companies comply with prescribed standards of operating efficiency and performance while guaranteeing a mining company's activity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-8-6

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the Minerals Regulatory Program requirements.
❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.
❖OTHER PERSONS: Actual on-the-ground compliance measures for minerals mining operations are minor from these rule amendments. Replacement surety coverage will be needed in some cases, resulting in less business for some surety companies and more business for other companies.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be minerals mine operators or explorationists; their compliance would not be changed significantly by these rule changes. If ordered to replace a surety, operators would be required to find alternative sureties. Compliance costs would be the cost of searching for and engaging an additional, more highly rated, surety company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule amendment to business is slight since the nature of the insurance business assures competition on rates for all corporate sureties. At the same time, the State obtains more assured and guaranteed reclamation performance from the operator.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Natural Resources
Oil, Gas and Mining; Non-Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/27/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

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R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-2. Exploration.
R647-2-111. Surety.

1. The operator of an exploration project that will result in more than five surface acres being disturbed at any given time must post a reclamation surety prior to commencement of exploration. Disturbed areas which have been reclaimed are not included within the cumulative five acres for purposes of the reclamation surety.

2. The Division will not require a separate surety where a reclamation surety in a form and amount acceptable to the Division is held by the Division of Forestry, Fire and State Lands, The School and Institutional Trust Lands Administration, or an agency of the federal government.

3. As part of the review of the notice of intention, the Division shall determine the required surety amount based on site-specific calculations reflecting the Division's cost to reclaim the site. An operator's reclamation estimate will be accepted if it is accurate and verifiable.

4. The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the surety must be approved by the Division. Acceptable forms may include:

4.11. A [~~C~~]corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 90 days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action. When the Division in the course of examining surety bonds, notifies

an operator that a surety company guaranteeing its performance does not meet the standards of subsection 4.11., the operator has 90 days after notice from the Division by mail to correct the deficiency, or face enforcement action;

4.12. Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

4.13. Cash;

4.14. An irrevocable letter of credit issued by a bank organized to do business in the United States;

4.15. Escrow accounts.

4.16. In addition, the Board may accept a written self-bonding agreement in the case of operators showing sufficient financial strength.

5. Surety shall be required until such time as reclamation is deemed complete by the Division. The Division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

6. Adjustments or revisions made in the surety amount shall be in accordance with the terms and conditions outlined in the Reclamation Contract.

KEY: minerals reclamation
~~[February 26, 1999]~~2001 **40-8-1 et seq.**
Notice of Continuation July 27, 1998

Natural Resources; Oil, Gas and Mining; Non-Coal
R647-4-113
Surety

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23817
FILED: 05/31/2001, 14:50
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes proposed in this action are intended to assure that sureties which guarantee reclamation activities at Utah mineral mining operations remain solvent and in good business stead while performing their business in behalf of Utah companies.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Minerals Regulatory Program to assure that surety companies comply with prescribed standards of operating efficiency and performance while guaranteeing a mining company's activity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-8-6

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the Minerals Regulatory Program requirements.
❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.
❖OTHER PERSONS: Actual on-the-ground compliance measures for minerals mining operations are minor from these rule amendments. Replacement surety coverage will be needed in some cases, resulting in less business for some surety companies and more business for other companies.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be minerals mine operators; their compliance would not be changed significantly by these rule changes. If ordered to replace a surety, operators would be required to find alternative sureties. Compliance costs would be the cost of searching for and engaging an additional, more highly rated, surety company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule amendment to business is slight since the nature of the insurance business assures competition on rates for all corporate sureties. At the same time, the State obtains more assured and guaranteed reclamation performance from the operator.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Natural Resources
Oil, Gas and Mining; Non-Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/27/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-4. Large Mining Operations.
R647-4-113. Surety.

1. After receiving notification that the notice of intention has been approved, but prior to commencement of operations, the operator shall provide the reclamation surety to the Division.

2. The Division will not require a separate surety when a reclamation surety in a form and amount acceptable to the Division is held by the Division of Forestry, Fire and State Lands, The School and Institutional Trust Lands Administration, or an agency of the federal government.

3. As part of the review of the notice of intention, the Division shall determine the final amount of surety required to reclaim the mine site. The surety amount will be based upon (a) the technical details of the approved mining and reclamation plan, (b) the proposed post mining land use, and (c) projected third party engineering and administrative costs to cover Division expenses incurred under a bond forfeiture circumstance. An operator's surety estimate will be accepted if it is accurate and verifiable. The Division may accept surety estimates based upon the Minerals Reclamation Program's average dollars per acre reclamation costs, if comparable to site specific cost estimates for similar operations.

4. The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the surety must be approved by the Division, except as provided in subpart 4.16. Acceptable forms may include:

4.11. A [~~C~~]corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 90 days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action. When the Division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of subsection 4.11., the operator has 90 days after notice from the Division by mail to correct the deficiency, or face enforcement action;

4.12. Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

4.13. Cash;

4.14. An irrevocable letter of credit issued by a bank organized to do business in the United States;

4.15. Escrow accounts.

4.16. The Board may accept a written self-bonding agreement in the case of operators showing sufficient financial strength.

5. Surety shall be required until such time as reclamation is deemed complete by the Division. The Division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

6. Adjustments or revisions made in the surety amount shall be in accordance with the terms and conditions outlined in the Reclamation Contract.

KEY: minerals reclamation
[~~February 26, 1999~~]2001 **40-8-1 et seq.**
Notice of Continuation July 27, 1998

◆ ◆

Natural Resources; Oil, Gas and Mining; Oil and Gas
R649-3-1
Bonding

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23818
FILED: 05/31/2001, 14:50
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes proposed in this action are intended to assure that sureties which guarantee reclamation activities at Utah mineral mining operations remain solvent and in good business stead while performing their business in behalf of Utah companies.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Oil and Gas Conservation Program to assure that surety companies comply with prescribed standards of operating efficiency and performance while guaranteeing an oil and gas company's activity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-6-1 et seq.

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the Oil and Gas Conservation Program requirements.
❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.
❖OTHER PERSONS: Actual on-the-ground compliance measures for oil and gas operations are minor from these rule amendments. Replacement surety coverage may be needed in some cases, resulting in less business for some surety companies and more business for other companies.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be oil and gas operators; their compliance would not be changed significantly by these rule changes. If ordered to replace a surety, operators would be required to find alternative sureties. Compliance costs would be the cost of searching for and engaging an additional, more highly rated, surety company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule amendment to business is slight since the nature of the insurance business assures competition on rates for all corporate sureties. At the same time, the State obtains more assured and guaranteed site restoration performance from the operator.

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

Natural Resources
Oil, Gas and Mining; Oil and Gas
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 07/16/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/27/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.
R649-3. Drilling and Operating Practices.
R649-3-1. Bonding.

1. An owner or operator shall furnish a bond to the division prior to approval of a permit to drill a new well, reenter an abandoned well or assume responsibility as operator of existing wells.

. . . . . .

10. The division shall accept a bond in the form of a surety bond, a collateral bond or a combination of these bonding methods.

10.1. A surety bond is an indemnity agreement in a sum certain payable to the division, executed by the operator as principal and which is supported by the performance guarantee of a corporation authorized to do business as a surety in Utah.

10.1.1. A surety bond shall be executed by the operator and a corporate surety authorized to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 10.1.1. will have 90 days from the date of Division notification after enactment of the changes to subsection 10.1.1., or face enforcement action. When the Division in the course of examining surety bonds notifies an operator that a surety company guaranteeing its performance does not meet the standards of subsection 10.1.1., the operator has 90 days after notice from the Division by mail to correct the deficiency, or face enforcement action.

10.1.2. Surety bonds shall be noncancellable during their terms, except that surety bond coverage for wells not drilled may be canceled with the prior consent of the division.

10.1.3. The division shall advise the surety, within 30 days after receipt of a notice to cancel a bond, whether the bond may be canceled on an undrilled well.

. . . . . .

KEY: oil and gas law
[~~June 2, 1998~~]2001 **40-6-1 et seq.**
Notice of Continuation April 30, 1997

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Natural Resources, Wildlife Resources
R657-5
Taking Big Game

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23806
FILED: 05/30/2001, 11:30
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 annually for taking public input and reviewing the division's antlerless big game species program.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-5-29(2) is being amended to clarify that if the appropriate box is not filled out with the number of hunters in the group, each hunter in the group will be entered into the drawing as individual hunters rather than as a group of hunters. Section R657-5-50 is being amended to add the provisions for an antlerless elk control permit, whereby a person may purchase this permit provided no other antlerless elk permit is obtained and the person has obtained a general elk permit. Section R657-5-60 is being amended to delete the fee provisions for antlerless applications due to these provisions being provided in Utah Administrative Code Rule R657-42. Other changes are being made for consistency and clarity.

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 and to add provisions for additional hunting opportunities.

The Division of Wildlife Resources (DWR) determined that the amendment, which allows a person to purchase an antlerless elk control permit, may increase the DWR's budget by $20 for each antlerless elk control permit sold to residents and $83 for each antlerless elk control permit sold to nonresidents. However, DWR does not know how many of these permits will be sold. Otherwise, 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 and to add provisions for additional hunting opportunities. However, these 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 and to add provisions for additional hunting opportunities. A resident may purchase an antlerless elk control permit for $20, and a nonresident may purchase an antlerless elk control permit for $83. Both residents and nonresidents must purchase a general elk permit prior to purchasing the antlerless elk control permit. DWR determined that there are no additional compliance costs associated with the other 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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.
R657-5. Taking Big Game.
R657-5-29. Applying as a Group for Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit and Once-In-A-Lifetime Permits, and for General Buck Deer and General Muzzleloader Elk Permits.

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

(b) Up to four people may apply together for general elk permits in the big game drawing.

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

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

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

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

(4) Residents and nonresidents may apply together.

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

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

(6) When applying as a group:

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

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

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

(d) if one or more members of the group are rejected due to an error other than fees, the members with valid applications will be kept in the drawing, unless the group indicates on the application that all members are to be rejected.

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

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

R657-5-50. Antlerless Elk Hunts.

(1) To hunt an antlerless elk, a hunter must obtain an antlerless elk permit.

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

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless elk permit for a cooperative wildlife management unit as specified on the permit.

(3)(a) A person may obtain two elk permits each year, provided one or both of the elk permits is an antlerless elk permit or an antlerless elk control permit.

(b) For the purposes of obtaining two elk permits, a hunter's choice elk permit may not be considered an antlerless elk permit.

(4)(a) A person who obtains an antlerless elk permit, except an antlerless elk control permit as provided in Subsection (5), and any of the permits listed in Subsection (b) may use the antlerless elk permit during the established season for the antlerless elk permit and during the established season for the permits listed in Subsection (b)provided:

(i) the permits are both valid for the same area;

(ii) the appropriate archery equipment is used if hunting with an archery permit;

(iii) the appropriate muzzleloader equipment is used if hunting with a muzzleloader permit.

(b)(i) General archery deer;

(ii) general archery elk;

(iii) general muzzleloader deer;

(iv) general muzzleloader elk;

(v) limited entry archery deer;

(vi) limited entry archery elk;

(vii) limited entry muzzleloader deer; or

(viii) limited entry muzzleloader elk.

(5)(a) Antlerless elk control permits have been established to provide harvest of sufficient antlerless elk to maintain populations at management objective levels on units where this has proven difficult.

(b) Any person who obtains a general elk permit may purchase an antlerless elk control permit provided no other antlerless elk permit has been obtained.

(i) Antlerless elk control permits are available at Division offices beginning on the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(c) A person who obtains an antlerless elk control permit may use the antlerless elk control permit only during the established general season for which they have a general elk permit provided:

(i) the appropriate archery equipment is used if hunting with a general elk archery permit;

(ii) the appropriate muzzleloader equipment is used if hunting with a general elk muzzleloader permit (includes ML300 and general muzzleloader spike bull permits); or

(iii) a legal weapon is used if hunting with a general season elk permit; and

(iv) the person has both the general elk permit and antlerless elk control permit in their possession.

(d) Antlerless elk control permits are valid only on the following general elk units:

(i) Chalk Creek;

(ii) East Canyon;

(iii) Nine Mile, Range Creek;

(iv) Plateau; and

(v) South Slope, Yellowstone.

R657-5-59. Antlerless Application - Deadlines.

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

(2) Residents may apply for, and draw the following permits, except as provided in Subsection (4):

(a) antlerless deer;

(b) antlerless elk;

(c) doe pronghorn; and

(d) antlerless moose.

(3) Nonresidents may apply in the drawing for, and draw the following permits, except as provided in Subsection (4):

(a) antlerless deer;

(b) antlerless elk;

(c) doe pronghorn; and

(d) antlerless moose, if permits are available during the current year.

(4) Any person who has obtained any elk permit, a pronghorn permit, or a moose permit may not apply for an antlerless elk permit, doe pronghorn permit, or antlerless moose permit, respectively, except as provided in Section R657-5-63.

(5) A person may not submit more than one application in the initial drawing per each species as provided in Subsections (2) and (3).

(6) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-61(3) and R657-5-63(4).

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

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

(8)(a) Late applications will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw data base to provide:

(i) future pre-printed applications;

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

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

(b) The $5 handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.

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

(10) To apply for a resident permit, a person must establish residency at the time of purchase.

(11) The posting date of the drawing shall be considered the purchase date of a permit.

R657-5-60. Fees for Antlerless Applications.

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

~~(a)~~] the permit fee and a nonrefundable handling fee for each species applied for, except when applying with a credit card, the permit fees and handling fees must be paid pursuant to Rule R657-42-8(5)(d).[~~; and~~

~~(b) a $5 nonrefundable handling fee for each species applied for.~~

~~(2)(a) Personal checks, money orders, cashier's checks and credit cards are accepted.~~

~~(b) Personal checks drawn on an out-of-state account are not accepted.~~

~~(c) All payments must be made payable to the Utah Division of Wildlife Resources.~~

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

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

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

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

~~(4)(a) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.~~

~~(b) The division shall charge a returned check collection fee for any check returned unpaid.~~

~~(5) A license or permit received by a person shall be deemed invalid if payment for that license or permit is not received, or a check is returned unpaid from the bank, or the credit card is invalid or refused.~~

~~(6) Any fee errors must be corrected with a money order or cashier's check through the application correction process.~~]

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

R657-23

Process for Providing Proof of Completion of Hunter Education

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23807
FILED: 05/30/2001, 11:30
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 process for obtaining proof of successfully completing an approved hunter education course.

SUMMARY OF THE RULE OR CHANGE: Section R657-23-4 is being amended to allow the division and division-approved license agents to accept proof of completion of an approved hunter education course in accordance with Section 23-19-11. Other changes are made for consistency and clarity.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment is for clarification only. The Division of Wildlife Resources (DWR) determined that this amendment does not create a cost or savings impact to the state budget or DWR's budget.

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

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

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment is for clarification only. DWR determined that there are no compliance costs associated with this amendment.

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

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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.
R657-23. Process for Providing Proof of Completion of Hunter Education.

. . . . . .

R657-23-4. Documents Accepted as Proof of Completion of a Hunter Education Course.

(1) The division and division approved license agents shall accept[~~the following documents as~~] proof of completion of an approved hunter education course in accordance with Section 23-19-11.[~~:~~

~~(a) residents may present:~~

~~(i) a division issued Blue Card; or~~

~~(ii) a Utah hunting license issued for the current or immediately preceding year;~~

~~(b) nonresidents may present:~~

~~(i) a division issued Blue Card;~~

~~(ii) a certificate of completion of a hunter education course issued by another state, province, or country with the applicant's hunter education number noted on the certificate; or~~

~~(iii) a current or immediately preceding year's hunting license issued by a state, province, or country with the applicant's hunter education number noted on the hunting license; or~~

~~(d) verification of completion of a hunter education course pursuant to Subsections (3) and (4).~~]

(2)(a) Any person who has completed an approved hunter education course in another state, province, or country and becomes a Utah resident must obtain a Blue Card prior to purchasing a resident hunting license.

(b) The person must present proof of completion of an approved hunter education course to a division office as required under Subsection (1)[~~and proof of Utah residency~~].

(c) The division shall issue the person a Blue Card at no cost.

(3)(a) If an applicant for a nonresident hunting license is not able to present a hunting license or a certificate of completion as provided in Subsection (1), the division may contact another state, province, or country to verify the completion of a hunter education course so that a nonresident hunting license may be issued.

(4)(a) If an applicant for a resident or nonresident hunting license has completed a hunter education course in Utah but is not able to present a hunting license or a certificate of completion as provided in Subsection (1), the division may research the division's hunter education records to verify that the applicant has completed the hunter education course.

(b) Upon issuance of the hunting license, the division shall indicate the applicant's hunter education number on the face of the hunting license.

(5)(a) If a [~~resident has lost his Blue Card, he~~]Blue Card is lost or destroyed, a person may apply by mail or in person at a division office, or may contact an authorized division representative to obtain a duplicate Blue Card[~~and~~]. The person must complete an affidavit and request [~~for records~~]a record's search.

(b) Upon verification of completion of the hunter education course, the division or authorized division representative may issue the person a duplicate Blue Card.

(6) The division requires any person whose records cannot be found or who cannot be verified as having completed a hunter education course to take the complete course as required under Subsection R657-23-3(2)(a).

(7) For the purpose of issuing a hunting license, the division may, upon request, provide verification to another state's wildlife agency that a resident or former resident of Utah has met the Utah hunter education requirements.

(8) The division [~~charges~~]may charge a fee for the services provided in Subsections (3), (4), and (5).

KEY: wildlife, game laws, hunter education*
[~~1993~~]2001 **23-19-11**
Notice of Continuation November 14, 1997

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Natural Resources, Wildlife Resources
R657-37
Cooperative Wildlife Management Units for Big Game

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23808
FILED: 05/30/2001, 11:30
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 Cooperative Wildlife Management Unit (CWMU) program for big game.

SUMMARY OF THE RULE OR CHANGE: Subsections R657-37-7(4) and R657-37-7(5) are being amended to provide landowner's criteria in posting all boundaries of a CWMU in accordance with Subsection 23-23-7(6)(a). Subsection R657-37-9(4)(b) is being amended to add clarification that permits shall not be issued for spike bull elk. Other changes are made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-23-3

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment is for clarification only. The Division of Wildlife Resources (DWR) determined that this amendment does not create a cost or savings impact to the state budget or DWR's budget.

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

❖OTHER PERSONS: This amendment is for clarification only. Therefore, this amendment does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.
COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment is for clarification only. DWR determined that there are no additional compliance costs associated with this amendment.

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

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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.
R657-37. Cooperative Wildlife Management Units for Big Game.

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R657-37-3. Requirements for the Establishment of a Cooperative Wildlife Management Unit.

(1)(a) The minimum allowable acreage for a CWMU is 10,000 contiguous acres, except as provided in Subsection (2).

(b) The land comprising Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Section 4-39-102(2) and Rules R58-18 and R58-20, shall not be included as part of any big game CWMU.

(2)(a) The Wildlife Board may renew a CWMU that is less than 10,000 acres provided the CWMU legally possessed a 1999 CWMU Certificate of Registration, allowing for acreage less than 10,000 contiguous acres or allowing noncontiguous land parcels; or

(b) the Wildlife Board may approve a new CWMU for deer or pronghorn that is at least 5,000 contiguous acres provided:

(i) the property is capable of independently maintaining the presence of the respective big game species and harboring them during the period of big game hunting;

(ii) the property is capable of accommodating the anticipated number of hunters and providing a reasonable hunting opportunity;

(iii) the property exhibits enforceable boundaries clearly identifiable to both the public and private hunters; and

(iv) the CWMU contributes to meeting division wildlife management objectives.

(3)(a) Cooperative Wildlife Management Units organized for hunting big game, shall consist of private land to the extent practicable.

(b) The Wildlife Board may approve a CWMU containing public land only if:

(i) the public land is completely surrounded by private land or is otherwise inaccessible to the general public;

(ii) the public land is necessary to establish an enforceable boundary clearly identifiable to both the general public and public and private permit holders; or

(iii) the public land is necessary to achieve statewide and unit management objectives.

(c) If any public land is included within a CWMU, the landowner association member [~~shall~~]must meet applicable federal and state land use requirements on the public land.

(d) The Wildlife Board shall increase the number of permits or hunting opportunities made available to the general public to reflect the proportional habitat on public land to private land within the CWMU.

R657-37-4. Cooperative Wildlife Management Unit Management Plan.

(1) The landowner association member [~~shall~~]must manage the CWMU in compliance with a CWMU Management Plan consistent with statewide and unit management objectives for the respective big game unit and approved by the Wildlife Board.

(2)(a) The CWMU Management Plan may be approved by the Wildlife Board for a period of five years, expiring on January 31 at the end of the five-year period.

(b) The CWMU Management Plan must be amended when the management plan or land ownership changes.

(c) The CWMU Management Plan may be amended as requested by the Wildlife Board, the division or the CWMU landowner association member or operator.

(3)(a) The CWMU Management Plan must include:

(i) big game management objectives for the CWMU that are consistent with statewide and unit management objectives for the respective big game unit, including population management and antlerless harvest;

(ii) procedures for obtaining age and harvest data;

(iii) an explanation of how comparable hunting opportunities will be provided to both the private and public permit holders on the CWMU as required in Section 23-23-7.5 and Rule R657-37-7(3)(a);

(iv) private and public permit ratio;

(v) rationale and purpose for including public land within the CWMU boundaries, if public land is included;

(vi) rules and guidelines used to regulate a permit holder's conduct as a guest on the CWMU;

(vii) rules and guidelines defining the CWMU landowner association member, landowner association operator or CWMU agent responsibilities;

(viii) County Recorder Plat Maps, dated by receipt of purchase within 30 days of the initial or renewal application deadline for a certificate of registration, depicting boundaries and ownership for all property within the CWMU;

(ix) two original 1:100,000 USGS maps, which [~~shall~~]must be filed in the appropriate regional office and the Salt Lake office, depicting all interior and exterior boundaries of the proposed CWMU; and

(x) strategies and methods that avoid adverse impacts to adjacent landowners resulting from the operation of the CWMU.

(b) The division shall, upon the applicant's request, provide assistance in preparing the CWMU Management Plan.

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R657-37-7. Operation by Landowner Association.

(1)(a) A CWMU must be operated by a landowner association member who owns land within the CWMU or a landowner association operator who leases or otherwise controls hunting on land within the CWMU.

(b) A landowner association member or landowner association operator may appoint CWMU agents to protect private property within the CWMU; however, the landowner association member or landowner association operator must assume ultimate responsibility for the operation of the CWMU.

(2)(a) A landowner association member or landowner association operator may enter into reciprocal agreements with any other landowner association member or landowner association operator to allow hunters who have obtained a CWMU permit to hunt within each other's CWMUs as provided in Subsections R657-37-5(6)(b) and R657-37-7(3)(b).

(b) If a person is authorized to hunt in one or more CWMUs as provided in Subsection (a), written permission from the landowner association member or landowner association operator must be in the person's possession while hunting.

(3)(a) A landowner association member or landowner association operator [~~shall~~]must provide any person who has obtained a permit, including general public permittees, a comparable hunting opportunity in terms of hunting area and number of days to hunt big game.

(b) A person who has obtained a CWMU permit may hunt only in the CWMU for which the permit is issued, except as provided under Subsection (2).

(4)(a) Each landowner association member or landowner association operator [~~shall~~]must:

(i) clearly post all boundaries [~~of the CWMU in accordance with Section 23-23-7(6).~~]with signs that are 8 1/2 by 11 inches on a bright yellow background with black lettering, and that contain the language provided in Subsection (b); and

(ii) clearly display signs on the CWMU at all corners, fishing streams crossing property lines, road, gates, and rights-of-way entering the land.

(b) This is a CWMU created under an agreement between private landowners and the Utah Division of Wildlife Resources, and approved by the Utah Wildlife Board. Only persons with a valid CWMU permit for this CWMU may hunt moose, deer, elk or pronghorn within the boundaries of this CWMU. The general public may use accessible public land portions of this CWMU for all legal purposes, except hunting for moose, deer, elk or pronghorn.

(5) A landowner association member or landowner association operator must provide a written copy of its guidelines used to regulate a permit holder's conduct as a guest on the CWMU to each permit holder.

R657-37-8. Cooperative Wildlife Management Unit Agents.

(1) A landowner association member may appoint CWMU agents to monitor access and protect the private property of the CWMU.

(2) Each CWMU agent [~~shall~~]must wear or have in possession a form of identification prescribed by the Wildlife Board which indicates the agent is a CWMU agent.

(3) A CWMU agent may refuse entry into the private land portions of a CWMU to any person, except owners of land within the unit and their employees, who:

(a) does not have in their possession a CWMU permit;

(b) endangers or has endangered human safety;

(c) damages or has damaged private property within a CWMU; or

(d) fails or has failed to comply with reasonable rules of a landowner association.

(4) A CWMU agent may not refuse entry to the general public onto any public land within the boundaries of a CWMU that is otherwise accessible to the public for purposes other than hunting big game for which the CWMU is authorized.

(5) In performing the functions described in this section, a CWMU agent [~~shall~~]must comply with the relevant laws of this state.

R657-37-9. Permit Allocation.

(1) The division shall issue CWMU permits for hunting big game to permittees:

(a) qualifying through a general public drawing; or

(b) named by the landowner association member or landowner association operator.

(2) A landowner association member or landowner association operator shall be issued vouchers that may be used to purchase hunting permits from division offices.

(3) The division and the landowner association member [~~shall~~]must, in accordance with the tables provided in Subsection (4), jointly determine:

(a) the total number of permits to be issued for the CWMU; and

(b) the number of permits that may be offered by the landowner association member to the general public as defined in Subsection R657-37-2(c).

(4)(a) Permits may be allocated using an option from:

(i) table one for moose and pronghorn; or

(ii) table two for elk and deer.

(b) At least one buck or bull permit or at least 10% of the bucks or bulls permits, whichever is greater, must be made available to the general public through the big game drawing process.

(c) Permits shall not be issued for spike bull elk.

TABLE 1

MOOSE AND PRONGHORN
Cooperative Wildlife Management Unit's Share

Option	Bucks/Bulls	Antlerless
1	60%	0%
2	60%	40%

Public's Share

Option	Bucks/Bulls	Antlerless
1	40%	0%
2	40%	60%

TABLE 2

ELK AND DEER
Cooperative Wildlife Management Unit's Share

Option	Bucks/Bulls	Antlerless
1	90%	0%
2	85%	25%
3	80%	40%
4	75%	50%[
~~5~~	~~50%~~	~~0%~~]

Public's Share

Option	Bucks/Bulls	Antlerless
1	10%	100%
2	15%	75%
3	20%	60%
4	25%	50%[
~~5~~	~~50%~~	~~0%~~]

(5) Antlerless permits must be allocated to the CWMU proportional to the ratio of numbers of big game species using the CWMU compared to the total herd population of the respective big game species on the herd management unit.

(6) A landowner association member or landowner association operator [~~shall~~]must provide access free of charge to any person who has received a CWMU permit through the general public big game drawings, except as provided in Section 23-23-11.

(7) If the division and the landowner association member disagree on the number of permits to be issued, the number of permits allocated for a species or sex of big game, or the method of take, the Wildlife Board shall make the determination based on the biological needs of the big game herds, including available forage, depredation, and other mitigating factors.

(8) A CWMU permit entitles the holder to hunt the species and sex of big game specified on the permit and only in accordance with the certificate of registration and the rules and proclamations of the Wildlife Board.

(9) Vouchers for antlerless permits may be designated by a landowner association member to any eligible person as provided in Rule R657-5 and the proclamation of the Wildlife Board for taking big game, and Rule R657-42.

(11)(a) A complete list of the current CWMUs, big game hunts, and the date, time, and number of permits available for public drawing shall be published in the proclamation of the Wildlife Board for taking big game.

(b) The division reserves the exclusive right to list approved CWMUs in the proclamation of the Wildlife Board for taking big game. The division may unilaterally decline to list a CWMU in the proclamation where the unit is under investigation for wildlife violations, a portion of the property comprising the CWMU is transferred to a new owner, or any other condition or circumstance that calls into question the CWMUs ability or willingness to allow a meaningful hunting opportunity to all the public permit holders that would otherwise draw out on the public permits.

. . . . . .

R657-37-12. Season Lengths.

(1) A landowner association member or landowner association operator may arrange for permittees to hunt on the CWMU during the following dates:

(a) archery buck deer and archery bull elk seasons may be established beginning with the opening of the general archery deer season through October 31;

(b) general season buck deer, general season bull elk, pronghorn, and moose seasons may be established September 1 through October 31, or the closing date of the general season for the respective species, whichever is later;

(c) [~~muzzleloader deer seasons may be established September 1, 1999 through November 14, 1999;~~

~~(d) beginning January 1, 2000,~~]muzzleloader deer seasons may be established September 1 through October 31, or the closing date of the muzzleloader deer season on the state wildlife management unit that contains the CWMU, whichever is later;

[~~(e)~~](d) muzzleloader elk seasons may be established September 1 through the end of the general muzzleloader elk season;

(e) antlerless elk seasons may be established August 15 through January 31; and

(f) antlerless deer seasons may be established August 15 through December 31.

(2) The Wildlife Board may make variances to the seasons provided in Subsection (1) for good cause if the variance was requested by the deadline for the application for the new or renewal certificate of registration as provided in Sections R657-37-5 and R657-37-6.

. . . . . .

KEY: wildlife, cooperative wildlife management unit
[~~August 15, 2000~~]2001 23-23-3
Notice of Continuation May 3, 1999

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Natural Resources, Wildlife Resources

R657-42-8

Accepted Payment of Fees

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23809
FILED: 05/30/2001, 11:30
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 annually for taking public input and reviewing the division's antlerless big game species program and drawing process.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-42-8(5)(d) is being amended to add that donations charged to a credit card will be processed when the application is processed.

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. The Division of Wildlife Resources (DWR) determined that this amendment does not create a cost or savings impact to the state budget or DWR's budget.
❖LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
❖OTHER PERSONS: This amendment is for clarification only. Therefore, this amendment does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.
COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment is for clarification only. DWR determined that there are no compliance costs associated with this amendment.

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

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 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

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.
R657-42-8. Accepted Payment of Fees.

(1) Personal checks, money orders, cashier's checks, and cards are accepted for payment of licenses, permits or certificates of registration.

(2) Personal checks drawn on an out-of-state account are not accepted.

(3) Third-party checks are not accepted.

(4) All payments must be made payable to the Utah Division of Wildlife Resources.

(5)(a) Credit cards must be valid at least 30 days after any drawing results are posted.

(b) Checks and credit cards will not be accepted as combined payment on single or group applications.

(c) If applicable, if applicants are applying as a group, all fees for all applicants in that group must be charged to one credit card.

(d) Handling fees and donations are charged to the credit card when the application is processed. Applicable license and permit fees are charged after the drawings, if successful.

(6)(a) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

(b) The division charges a returned check collection fee for any check returned unpaid.

(7) A license or permit received by a person shall be deemed invalid if payment for that license or permit is not received, or a check is returned unpaid from the bank, or the credit card is invalid or refused.

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

(9) The division may require a money order or cashier's check to correct payment for a license, permit, or certificate of registration.

(10) Any person who fails to pay the required fee for any license, permit or certificate of registration, shall be ineligible to obtain any other license, permit, tag, or certificate of registration until the delinquent fees and associated collection costs are paid.

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

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Regents (Board of), Administration
R765-649
Utah Higher Education Assistance Authority (UHEAA) Privacy Policy

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23782
FILED: 05/18/2001, 07:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Clarification of the definition of "nonpublic personal information."

SUMMARY OF THE RULE OR CHANGE: Section R765-649-1 to be amended to replace "as required by federal regulation" with "as defined in the Gramm-Leach-Bliley Act" (Pub. L. No. 106-102).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53B-12-101(6)
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 102-325 (Higher Education Act), and Pub. L. No. 106-102 (Gramm-Leach-Bliley Act)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--There are no appropriated state funds involved in student loan programs. There are no procedural changes or increase in workload due to this change.
❖LOCAL GOVERNMENTS: None--Local governments are not involved in student loan programs. There are no procedural changes or increase in workload due to this change.
❖OTHER PERSONS: None--There are no procedural changes or increase in workload due to this change.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Updated rule does not add any new compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The change will have no fiscal impact, it is simply a clarification of a definition.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Regents (Board of)
Administration
Suite 550, 3 Triad Center
355 West North Temple
PO Box 45202
Salt Lake City, UT 84180-1205, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cathryn Judd at the above address, by phone at (801) 321-7249, by FAX at (801) 321-7299, or by Internet E-mail at cjudd@utahsbr.edu.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/2001

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner for Student Financial Aid and Executive Director of UHEAA

R765. Regents (Board of), Administration.
R765-649. Utah Higher Education Assistance Authority (UHEAA) Privacy Policy.
R765-649-1. Purpose.

The purpose of this rule is to provide the terms of UHEAA's privacy policy concerning the disclosure of customer nonpublic personal information, [~~as required by federal regulation~~]as defined in the Gramm-Leach-Bliley Act, referenced below.

. . . . . .

KEY: higher education, student loans*
[~~May 16~~], 2001 **53B-12-101(6)**

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End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

Human Services, Administration, Administrative Services, Licensing
R501-14
Criminal Background Screening

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23783
FILED: 05/18/2001, 10:45
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 62A-2-105 authorizes the Human Services Licensing Board to review and approve rules regarding the licensing process and licensing standards. Section 62A-2-106 authorizes the Office of Licensing to make rules to establish basic health and safety standards. Section 62A-2-120 requires criminal background checks of licensees and persons associated with licensees, and authorizes rulemaking determining employment decisions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One aspect of the rule has received written comment, which relates to the screening of persons who do not provide direct services to children. Some programs have questioned the rationale for such screening, but have complied when it was explained to them. Recently, stronger opposition has surfaced to the screening of board members of programs, the rationale being that they do not provide direct services to children.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Agency's position has been that Subsection 62A-2-101(13) defines persons associated with a licensee beyond those providing direct services: owner, director, member of the governing board, employee, provider of care, and volunteer of a human services licensee. An issue currently under litigation involves an applicant denied background screening clearance because of his felony record. He applied to work for a licensed program that is authorized to serve children, but he was not assigned to provide direct services to children himself. Legislation was introduced at the last session to amend Section 62A-2-120 and work is underway to reintroduce it in the next session. The Department's Office of Administrative Hearings is involved with Bear River Mental Health's request to exempt board members, and others not providing direct services, from background screening requirements. The Department intends to gather input and study this issue this year, and base policy/legislative recommendations on that input.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or Internet E-mail at hsadm2.gsedgwic@email.state.ut.us .

AUTHORIZED BY: Reta D. Oram, Director

EFFECTIVE: 05/18/2001

Natural Resources, Wildlife Resources
R657-23
Process for Providing Proof of Completion of Hunter Education

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23810
FILED: 05/30/2001, 11:30
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 23-14-18, 23-14-19, and 23-19-11 the Wildlife Board is authorized to adopt rules to prescribe safety measures and provide the process for obtaining proof of successfully completing an approved hunter education course.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have not received written comments, either in support or opposition to Rule R657-23, Process for Providing Proof of Completion of Hunter Education. Written comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the review process for taking public input. 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 R657-23 provides the procedures and requirements for presenting and obtaining proof of having successfully completed an approved hunter education course. The procedures adopted in this rule have provided an effective and efficient process. Continuation of this rule is necessary for continued success of the hunter education program.

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

Natural Resources
Wildlife Resources
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: 05/30/2001

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

Capitol Preservation Board (State)
Administration
No. 23578 (NEW): R131-4. Procurement of Construction.
Published: April 15, 2001
Effective: May 16, 2001

Commerce
Corporations and Commercial Code
No. 23595 (AMD): R154-10. Utah Digital Signature Act Rules.
Published: April 15, 2001
Effective: May 18, 2001

Occupational and Professional Licensing
DAR correction notice: In the June 1, 2001, *Bulletin*, an effective notice for an amendment on R156-3a was printed with a DAR No. of 23350. The correct DAR No. is 23550. The notice should have been:
No. 23550 (AMD): R156-3a. Architect Licensing Act Rules.
Published: April 1, 2001
Effective: May 3, 2001

No. 23566 (AMD): R156-16a. Optometry Practice Act Rules.
Published: April 15, 2001
Effective: May 17, 2001

No. 23517 (CPR): R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.
Published: April 15, 2001
Effective: May 17, 2001

No. 23620 (AMD): R156-60b. Marriage and Family Therapist Licensing Act Rules.
Published: May 1, 2001
Effective: June 1, 2001

No. 23632 (AMD): R156-61. Psychologist Licensing Act Rules.
Published: May 1, 2001
Effective: June 1, 2001

Insurance
Administration
No. 23598 (AMD): R590-146. Medicare Supplement Insurance Minimum Standards.
Published: April 15, 2001
Effective: May 23, 2001

Natural Resources
Wildlife Resources
No. 23601 (AMD): R657-14. Commercial Harvesting of Protected Aquatic Wildlife.
Published: April 15, 2001
Effective: May 17, 2001

Public Safety
Driver License
No. 23597 (AMD): R708-34. Medical Waivers for Intrastate Commercial Driver Licenses.
Published: April 15, 2001
Effective: May 16, 2001

Fire Marshal
No. 23579 (AMD): R710-3. Assisted Living Facilities.
Published: April 15, 2001
Effective: May 16, 2001

No. 23580 (AMD): R710-4. Buildings Under the Jurisdiction of the State Fire Prevention Board.
Published: April 15, 2001
Effective: May 16, 2001

Regents (Board of)
Administration
No. 23596 (NEW): R765-649. Utah Higher Education Assistance Authority (UHEAA) Privacy Policy.
Published: April 15, 2001
Effective: May 16, 2001

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 June 1, 2001, the effective dates of which are no later than June 15, 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
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
Debt Collection					
R21-3	Debt Collection Through Administrative Offset	23682	NSC	05/01/2001	Not Printed
Facilities Construction and Management					
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	23697	NSC	05/01/2001	Not Printed
Finance					
R25-14	Payment of Attorneys Fees in Death Penalty Cases	23366	AMD	01/22/2001	2000-24/5
Fleet Operations					
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
Fleet Operations, Surplus Property					
R28-2	Surplus Firearms	23523	5YR	02/08/2001	2001-5/39

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
AGRICULTURE AND FOOD					
Administration					
R51-1	Public Petitions for Declaratory Rulings	23584	5YR	03/30/2001	2001-8/83
Animal Industry					
R58-2	Diseases, Inspections and Quarantines	23557	NSC	04/01/2001	Not Printed
R58-10	Meat and Poultry Inspection	23306	AMD	01/03/2001	2000-23/9
R58-11	Slaughter of Livestock	23585	5YR	03/30/2001	2001-8/83
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	23586	5YR	03/30/2001	2001-8/84
R58-13	Custom Exempt Slaughter	23587	5YR	03/30/2001	2001-8/84
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	23588	5YR	03/30/2001	2001-8/85
R58-16	Swine Garbage Feeding	23589	5YR	03/30/2001	2001-8/85
R58-17	Aquaculture and Aquatic Animal Health	23534	AMD	04/17/2001	2001-6/34
Chemistry Laboratory					
R63-1	Fee Schedule	23404	5YR	01/10/2001	2001-3/94
Marketing and Conservation					
R65-1	Utah Apple Marketing Order	23543	5YR	03/06/2001	2001-7/45
R65-3	Utah Turkey Marketing Order	23544	5YR	03/06/2001	2001-7/45
R65-4	Utah Egg Marketing Order	23545	5YR	03/06/2001	2001-7/46
Plant Industry					
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
Regulatory Services					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	23541	5YR	03/06/2001	2001-7/46
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	23542	AMD	05/02/2001	2001-7/6
R70-420	Chickens	23428	REP	03/06/2001	2001-3/5
R70-430	Turkeys	23429	REP	03/06/2001	2001-3/6
R70-610	Uniform Retail Wheat Standards of Identity	23430	5YR	01/16/2001	2001-3/96
R70-610	Uniform Retail Wheat Standards and Identity	23431	NSC	02/01/2001	Not Printed
R70-620	Enrichment of Flour and Cereal Products	23432	5YR	01/16/2001	2001-3/97
R70-620	Enrichment of Flour and Cereal Products	23433	AMD	03/06/2001	2001-3/7

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R70-950	Uniform National Type Evaluation	23729	5YR	05/03/2001	2001-11/116
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R81-4B	Airport Lounges	23591	5YR	04/02/2001	2001-8/85
R81-4B	Airport Lounges	23603	NSC	05/01/2001	Not Printed
R81-10	On Premise Beer Retailer	23592	5YR	04/02/2001	2001-8/86
R81-10	On-Premise Beer Retailer	23604	NSC	05/01/2001	Not Printed
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R131-4	Procurement of Construction	23578	NEW	05/16/2001	2001-8/7
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R151-46b	Department of Commerce Administrative Procedures Act Rules	23537	5YR	02/28/2001	2001-6/49
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R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23457	5YR	01/29/2001	2001-4/61
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R154-10	Utah Digital Signature Act Rules	23595	AMD	05/18/2001	2001-8/15
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R156-1-308d	Denial of Renewal of Licensure-Classification of proceedings-Conditional Renewal During Pendency of Adjudicative Proceedings, Audit or Investigation	23295	AMD	01/04/2001	2000-23/9
R156-3a	Architect Licensing Act Rules	23550	AMD	05/03/2001	2001-7/9
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	AMD	see CPR	2000-22/5
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	CPR	03/06/2001	2001-3/79
R156-16a	Optometry Practice Act Rules	23566	AMD	05/17/2001	2001-8/16
R156-17a	Pharmacy Practice Act Rules	23695	5YR	04/26/2001	2001-10/89
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	23517	AMD	see CPR	2001-5/4
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	23517	CPR	05/17/2001	2001-8/81
R156-26a	Certified Public Accountant Licensing Act Rules	23296	AMD	01/04/2001	2000-23/11
R156-28	Veterinary Practice Act Rules	23309	AMD	see CPR	2000-23/15
R156-28	Veterinary Practice Act Rules	23309	CPR	03/08/2001	2001-3/80
R156-37-502	Unprofessional Conduct	23401	NSC	02/01/2001	Not Printed
R156-47b	Massage Therapy Practice Act Rules	23535	5YR	02/26/2001	2001-6/49

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R156-54-302b	Examination Requirements - Radiology Practical Technician	23518	AMD	04/03/2001	2001-5/7
R156-54-302b	Examination Requirements - Radiology Practical Technician	23602	NSC	05/01/2001	Not Printed
R156-55b	Electricians Licensing Rules	23374	AMD	04/30/2001	2001-1/4
R156-55c-102	Definitions	23375	AMD	04/30/2001	2001-1/5
R156-55d-603	Operating Standards - Alarm Installer	23524	AMD	04/03/2001	2001-5/8
R156-60b	Marriage and Family Therapist Licensing Act Rules	23620	AMD	06/01/2001	2001-9/13
R156-61	Psychologist Licensing Act Rules	23632	AMD	06/01/2001	2001-9/16
R156-69	Dentist and Dental Hygienist Practice Act Rules	23141	AMD	see CPR	2000-19/10
R156-69	Dentist and Dental Hygienist Practice Act Rules	23141	CPR	02/15/2001	2001-2/17
R156-73	Chiropractic Physician Practice Act Rules	23390	AMD	02/15/2001	2001-2/2
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R162-102	Application Procedures	23321	AMD	02/07/2001	2000-23/17
R162-209	Administrative Proceedings	23526	NEW	04/13/2001	2001-5/9
COMMUNITY AND ECONOMIC DEVELOPMENT					
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R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	23321	AMD	01/23/2001	2000-21/3
R199-9	Policy Concerning Enforceability and Taxability of Bonds Purchased	23575	NSC	04/01/2001	Not Printed
R199-10	Procedures in Case of Inability to Formulate Contract for Alleviation of Impact	23576	NSC	04/01/2001	Not Printed
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R202-201	Energy Assistance: General Provisions	23686	NSC	05/01/2001	Not Printed
R202-202	Energy Assistance Programs Standards	23687	NSC	05/01/2001	Not Printed
R202-203	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	23688	NSC	05/01/2001	Not Printed
R202-204	Energy Assistance: Asset Standards	23689	NSC	05/01/2001	Not Printed
R202-205	Energy Assistance: Program Benefits	23690	NSC	05/01/2001	Not Printed
R202-206	Energy Assistance: Eligibility Determination	23691	NSC	05/01/2001	Not Printed
R202-207	Energy Assistance: Records and Benefit Management	23692	NSC	05/01/2001	Not Printed
R202-208	Energy Assistance: Special State Programs	23693	NSC	05/01/2001	Not Printed
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R212-4	Archaeological and Paleontological Permits	23606	NSC	05/01/2001	Not Printed
R212-11	Historic Preservation Tax Credit	23607	NSC	05/01/2001	Not Printed

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R223-2	Public Library Online Access for Eligibility to Receive Public Funds	23519	NSC	02/23/2001	Not Printed
Indian Affairs					
R230-1	Native American Grave Protection and Repatriation	23476	5YR	02/01/2001	2001-4/61
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R251-102	Release of Communicable Disease Information	23313	AMD	01/04/2001	2000-23/18
R251-102	Release of Communicable Disease Information	23511	5YR	02/05/2001	2001-5/40
R251-109	Sex Offender Treatment Providers	23568	5YR	03/27/2001	2001-8/86
R251-110	Sex Offender Notification	23571	5YR	03/27/2001	2001-8/87
R251-301	Employment, Education or Vocational Training for Community Correctional Center Residents	23512	5YR	02/05/2001	2001-5/40
R251-301	Employment, Educational or Vocational Training for Community Center residents	23400	AMD	03/13/2001	2001-3/8
R251-709	Transportation of Inmates	23570	5YR	03/27/2001	2001-8/87
R251-709	Transportation of Inmates	23540	AMD	05/15/2001	2001-7/12
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R270-1	Award and Reparations Standards	23527	AMD	04/03/2001	2001-5/11
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R277-415	Strategic Planning Programs	23747	5YR	05/14/2001	2001-11/117
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R277-513	Dual Certification	23748	5YR	05/14/2001	2001-11/117
R277-514	Board Procedures: Sanctions for Educator Misconduct	23546	NSC	04/01/2001	Not Printed
R277-517	Athletic Coaching Endorsements	23749	5YR	05/14/2001	2001-11/118
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R307-103-1	Scope of Rule	23442	NSC	02/01/2001	Not Printed
R307-103-2	Initial Proceedings	23407	AMD	04/12/2001	2001-3/13
R307-204	Emissions Standards: Smoke Management	23139	NEW	see CPR	2000-19/14
R307-204	Emissions Standards: Smoke Management	23139	CPR	03/06/2001	2001-3/81
R307-501	Emergency Rule: Power Generators	23781	EMR	05/15/2001	2001-11/114

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R309-103	Water Quality Maximum Contaminant Levels (MCLs)	23664	5YR	04/16/2001	2001-9/141
R309-104	Monitoring, Reporting and Public Notification	23665	5YR	04/16/2001	2001-9/141
R309-150	Water System Rating Criteria	23252	AMD	01/04/2001	2000-22/33
R309-208 (Changed to R309-535)	Facility Design and Operation: Miscellaneous Treatment Methods	23394	AMD	05/01/2001	2001-2/3
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R313-19	Requirements of General Applicability to Licensing of Radioactive Material	23312	AMD	01/26/2001	2000-23/19
R313-36	Special Requirements for Industrial Radiographic Operations	23552	AMD	05/11/2001	2001-7/13
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R315-1	Utah Hazardous Waste Definitions and References	23409	AMD	04/20/2001	2001-3/14
R315-2	General Requirements - Identification and Listing of Hazardous Waste	23410	AMD	04/20/2001	2001-3/16
R315-5-3	Pre-Transport Requirements	23412	AMD	04/20/2001	2001-3/30
R315-13-1	Land Disposal Restrictions	23415	AMD	04/20/2001	2001-3/40
R315-14-7	Hazardous Waste Burned in Boilers and Industrial Furnaces	23416	AMD	04/20/2001	2001-3/41
R315-16	Standards for Universal Waste Management	23417	AMD	04/20/2001	2001-3/42
R513-50	Appendices	23418	AMD	04/20/2001	2001-3/50
R315-315-8	Petroleum Contaminated Soils	22858	AMD	see CPR (First)	2000-11/18
R315-315-8	Petroleum Contaminated Soils	22858	CPR (First)	see CPR (Second)	2000-17/67
R315-315-8	Petroleum Contaminated Soils	22858	CPR (Second)	01/05/2001	2000-23/58
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R317-1-3	Requirements for Waste Discharges	23164	CPR	01/23/2001	2000-24/74
R317-7	Underground Injection Control (UIC) Program	23162	AMD	see CPR	2000-19/34
R317-7	Underground Injection Control (UIC) Program	23162	CPR	01/23/2001	2000-24/75
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	23161	AMD	see CPR	2000-19/40
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	23161	CPR	01/23/2001	2000-24/78

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R382-10	Eligibility	23458	AMD	04/04/2001	2001-4/6
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R388-804	Special Measures for the Control of Tuberculosis	23303	AMD	02/02/2001	2000-23/29
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R414-63	Medicaid Policy for Pharmacy Reimbursement	23347	NEW	01/17/2001	2000-24/23
R414-63	Medicaid Policy for Pharmacy Reimbursement	23551	AMD	05/07/2001	2001-7/17
R414-303	Coverage Groups	23396	EMR	01/03/2001	2001-3/87
R414-303	Coverage Groups	23420	AMD	03/13/2001	2001-3/52
R414-304	Income and Budgeting	23397	EMR	01/03/2001	2001-3/89
R414-304	Income and Budgeting	23421	AMD	03/13/2001	2001-3/56
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R414-305	Resources	23422	AMD	03/13/2001	2001-3/60
R414-306	Program Benefits	23459	AMD	04/04/2001	2001-4/11
R414-309	Utah Medical Assistance Program (UMAP)	23349	AMD	01/17/2001	2000-24/24
R414-309	Utah Medical Assistance Program (UMAP)	23700	EMR	05/01/2001	2001-10/82
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R420-1	Utah Medical Assistance Program	23351	AMD	01/23/2001	2000-24/28
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R426-2	Air Medical Services Rules	23344	AMD	01/23/2001	2000-24/32
R426-6	Emergency Medical Services Grants Program Rules	23185	AMD	01/17/2001	2000-20/27
R426-7	Emergency Medical Services Prehospital Data System Rules	23186	NEW	01/30/2001	2000-20/29
R426-8	Emergency Medical Services Per Capita Grants Program Rules	23202	NEW	01/30/2001	2000-21/14
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R430-6	Background Screening	23450	R&R	04/17/2001	2001-4/15
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Health Systems Improvement, Health Facility Licensure (Changed to Health Systems Improvement, Licensing--04/01/2001)					
R432-1	General Health Care Facility Rules	23477	NSC	04/01/2001	Not Printed
R432-2	General Licensing Provisions	23478	NSC	04/01/2001	Not Printed
R432-3	General Health Care Facility Rules Inspection and Enforcement	23479	NSC	04/01/2001	Not Printed
R432-4	General Construction	23480	NSC	04/01/2001	Not Printed
R432-5	Nursing Facility Construction	23481	NSC	04/01/2001	Not Printed
R432-6	Assisted Living Facility General Construction	23482	NSC	04/01/2001	Not Printed
R432-7	Specialty Hospital - Psychiatric Hospital Construction	23483	NSC	04/01/2001	Not Printed
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	23484	NSC	04/01/2001	Not Printed
R432-9	Specialty Hospital - Rehabilitation Construction Rule	23485	NSC	04/01/2001	Not Printed
R432-10	Specialty Hospital - Chronic Disease Construction Rule	23486	NSC	04/01/2001	Not Printed
R432-11	Orthopedic Hospital Construction	23487	NSC	04/01/2001	Not Printed
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	23488	NSC	04/01/2001	Not Printed
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	23489	NSC	04/01/2001	Not Printed
R432-14	Birthing Center Construction Rule	23490	NSC	04/01/2001	Not Printed
R432-16	Hospice Inpatient Facility Construction	23491	NSC	04/01/2001	Not Printed
R432-30	Adjudication Procedure	23492	NSC	04/01/2001	Not Printed
R432-35	Background Screening	23493	NSC	04/01/2001	Not Printed
R432-100	General Hospital Standards	23494	NSC	04/01/2001	Not Printed
R432-101	Specialty Hospital - Psychiatric	23495	NSC	04/01/2001	Not Printed
R432-102	Specialty Hospital - Chemical Dependency/Substance Abuse	23496	NSC	04/01/2001	Not Printed
R432-103	Specialty Hospital - Rehabilitation	23497	NSC	04/01/2001	Not Printed
R432-104	Specialty Hospital - Chronic Disease	23498	NSC	04/01/2001	Not Printed
R432-105	Specialty Hospital - Orthopedic	23499	NSC	04/01/2001	Not Printed
R432-106	Specialty Hospital - Critical Access	23561	NSC	04/01/2001	Not Printed
R432-150	Nursing Care Facility	23500	NSC	04/01/2001	Not Printed
R432-151	Mental Disease Facility	23501	NSC	04/01/2001	Not Printed
R432-152	Mental Retardation Facility	23502	NSC	04/01/2001	Not Printed
R432-200	Small Health Care Facility (Four to Sixteen Beds)	23503	NSC	04/01/2001	Not Printed
R432-201	Mental Retardation Facility: Supplement "A" to the Small Health Care Facility Rule	23504	NSC	04/01/2001	Not Printed
R432-270	Assisted Living Facilities	23505	NSC	04/01/2001	Not Printed
R432-300	Small Health Care Facility - Type N	23506	NSC	04/01/2001	Not Printed

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R432-550	Birthing Centers (Five or Less Birth Rooms)	23507	NSC	04/01/2001	Not Printed
R432-600	Abortion Clinic Rule	23508	NSC	04/01/2001	Not Printed
R432-650	End Stage Renal Disease Facility Rules	23562	NSC	04/01/2001	Not Printed
R432-700	Home Health Agency Rule	23509	NSC	04/01/2001	Not Printed
R432-750	Hospice Rule	23510	NSC	04/01/2001	Not Printed
R432-950	Mammography Quality Assurance	23563	NSC	04/01/2001	Not Printed
Center for health Data, Vital Records and Statistics					
R436-11	Local Registrars	23681	NSC	05/01/2001	Not Printed
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R495-862	Communicable Disease Control Act	23605	5YR	04/04/2001	2001-9/142
Administration, Administrative Services, Licensing					
R501-7	Child Placing Agencies	23121	AMD	see CPR	2000-18/65
R501-7	Child Placing Agencies	23121	CPR	01/16/2001	2000-23/59
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R501-8	Outdoor Youth Programs	23406	NSC	02/01/2001	Not Printed
R501-14	Criminal Background Screening	23783	5YR	05/18/2001	2001-12/73
R501-17	Adult Foster Care Standards	23323	AMD	01/16/2001	2000-23/39
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R510-1	Authority and Purpose	23453	5YR	01/23/2001	2001-4/62
R510-1	Authority and Purpose	23538	AMD	04/17/2001	2001-6/45
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R590-144	Commercial Aviation Insurance Exemption From Rate and Form Filing	23583	NSC	05/01/2001	Not Printed
R590-146	Medicare Supplement Insurance Minimum Standards	23598	AMD	05/23/2001	2001-8/65
R590-177	Life Insurance Illustrations Rule	23713	5YR	04/30/2001	2001-10/91

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R590-200	Diabetes Treatment and Management	22923	CPR (Second)	see CPR (Third)	2000-23/60
R590-200	Diabetes Treatment and Management	22923	CPR (Third)	04/30/2001	2001-3/84
R590-204	Adoption Indemnity Benefits	23378	NEW	02/09/2001	2001-1/23
R590-205	Privacy of Consumer Information Compliance Deadline	23247	NEW	01/11/2001	2000-22/35
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R606-1-3	Procedures--Request for Agency Action and Investigation File	23515	AMD	04/03/2001	2001-5/17
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R612-1-10	Permanent Total Disability	23223	AMD	see CPR	2000-21/18
R612-1-10	Permanent Total Disability	23223	CPR	03/20/2001	2001-1/36
R612-2-3	Filings	23463	NSC	02/15/2001	Not Printed
R612-2-5	Regulation of Medical Practitioner Fees	23464	NSC	02/15/2001	Not Printed
R612-2-5	Regulation of Medical Practitioner Fees	23548	EMR	03/08/2001	2001-7/43
R612-2-5	Regulation of Medical Practitioner Fees	23549	AMD	05/03/2001	2001-7/21
R612-2-6	Fees in Cases Requiring Unusual Treatment	23465	NSC	02/15/2001	Not Printed
R612-2-11	Surgical Assistants' Fees	23466	NSC	02/15/2001	Not Printed
R612-2-16	Charges for Special or Unusual Supplies, Materials, or Drugs	23467	AMD	03/20/2001	2001-4/32
R612-2-17	Fees for Unscheduled Procedures	23468	NSC	02/15/2001	Not Printed
R612-2-22	Medical Records	23469	AMD	03/20/2001	2001-4/33
R612-2-23	Adjusting Relative Value Schedule (RVS) Codes	23470	NSC	02/15/2001	Not Printed
R612-2-24	Review of Medical Payments	23471	AMD	03/20/2001	2001-4/34
R612-2-26	Utilization Review Standards	23472	NSC	02/15/2001	Not Printed
R612-4	Premium Rates	23520	5YR	02/08/2001	2001-5/41
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R614-1-4	Incorporation of Federal Standards	23372	AMD	02/01/2001	2001-1/4
R614-1-4	Incorporation of Federal Standards	23516	NSC	02/22/2001	Not Printed
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R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	23310	AMD	01/03/2001	2000-23/42
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R645-100-200	Definitions	23385	AMD	04/02/2001	2001-1/25
R645-301-500	Engineering	23386	AMD	04/02/2001	2001-1/26
R645-301-700	Hydrology	23387	AMD	see CPR	2001-1/29
R645-301-700	Hydrology	23387	CPR	05/03/2001	2001-7/26
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R649-4	Determination of Well Categories Under the Natural Gas Policy Act of 1978	23304	NEW	01/03/2001	2000-23/43
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R651-219	Additional Safety Equipment	23440	AMD	03/20/2000	2001-4/38
R651-223	Vessel Accident Reporting	23456	5YR	01/26/2001	2001-4/63
R651-601	Definitions as Used in These Rules	23423	AMD	03/06/2001	2001-3/62
R651-608-2	Events Prohibited without Permit	23424	AMD	03/06/2001	2001-3/63
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R652-121	Wildland Fire Suppression Fund	23425	AMD	03/12/2001	2001-3/64
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R657-3	Collection, Importation, Transportation, and Possession of Zoological Animals	23673	5YR	04/16/2001	2001-9/143
R657-5	Taking Big Game	23356	AMD	01/16/2001	2000-24/40
R657-5	Taking Big Game	23528	AMD	04/03/2001	2001-5/19
R657-13	Taking Fish and Crayfish	23189	AMD	01/02/2001	2000-21/23
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	23601	AMD	05/17/2001	2001-8/71
R657-17	Lifetime Hunting and Fishing License	23358	AMD	01/16/2001	2000-24/51
R657-23	Process for Providing Proof of Completion of Hunter Education	23810	5YR	05/30/2001	2001-12/74
R657-27	License Agent Procedures	23455	AMD	03/26/2001	2001-4/39
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R657-39	Regional Advisory Councils	23529	5YR	02/15/2001	2001-5/41
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R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	23580	AMD	05/16/2001	2001-8/77
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R722-2 (Changed to R722-900)	Review and Challenge of Criminal Record	23444	NSC	02/01/2001	Not Printed

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R724-7 (Changed to R722-320	Undercover Identification	23447	NSC	02/01/2001	Not Printed
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R728-404	Basic Training Basic Academy Rules	23628	NSC	05/01/2001	Not Printed
R728-409	Refusal, Suspension or Revocation of Peace Officer Certification	23629	NSC	05/01/2001	Not Printed
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R865-6F-15	Installment Basis of Reporting Income in Year of Termination Pursuant to Utah Code Ann. Section 59-7-119	23556	NSC	04/01/2001	Not Printed
R865-21U	Use Tax	23572	5YR	03/27/2001	2001-8/88
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R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	23395	AMD	05/14/2001	2001-2/11
R884-24P-65	Proportional Assessment of Transitory Personal Property Pursuant to Utah Code Ann. Section 59-2-402	23316	AMD	02/20/2001	2000-23/54
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R909-1	Safety Regulations for Motor Carriers	23573	NSC	04/01/2001	Not Printed
R909-1	Safety Regulations for Motor Carriers	23590	NSC	05/01/2001	Not Printed
R909-4	Safety Regulations for Tow Truck (Wrecker) Operations-Tow Truck Requirements, Equipment and Operations	23565	NSC	04/01/2001	Not Printed
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	23461	AMD	03/20/2001	2001-4/45

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R916-3	DESIGN-BUILD Contracts	23750	5YR	05/14/2001	2001-11/119
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R920-6	Snow Tire and Chain Requirements	23610	NSC	05/01/2001	Not Printed
R920-7	Public Safety Program Signing	23611	NSC	05/01/2001	Not Printed
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R926-2	Evaluation of Proposed Additions to the State Highway System	23612	NSC	05/01/2001	Not Printed
R926-3	Class B and Class C Road Funds	23613	NSC	05/01/2001	Not Printed
R926-5	State Park Access Highways Improvement Program	23614	NSC	05/01/2001	Not Printed
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R930-2	Public Hearings	23616	NSC	05/01/2001	Not Printed
R930-3	Highway Noise Abatement	23617	NSC	05/01/2001	Not Printed
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R930-6	Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way	23198	AMD	01/19/2001	2000-21/43
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R933-3	Relocation of Modification of Existing Authorized Access Openings or Granting New Access Openings on Limited Access Highways	23619	NSC	05/01/2001	Not Printed
R933-4	Bus Shelters	23536	AMD	04/18/2001	2001-6/45
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R994-308	Bond or Security Requirement	23745	5YR	05/11/2001	2001-11/120

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

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	23407	R307-103-2	AMD	04/12/2001	2001-3/13
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	23252	R309-150	AMD	01/04/2001	2000-22/33
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	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
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	23407	R307-103-2	AMD	04/12/2001	2001-3/13
	23781	R307-501	EMR	05/15/2001	2001-11/114
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	23139	R307-204	CPR	03/06/2001	2001-3/81
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	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
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Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23449	R724-10 (Changed to R722-310)	NSC	02/01/2001	Not Printed
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	23260	R156-11a	CPR	03/06/2001	2001-3/79
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Public safety, Peace Officer Standards and Training	23628	R728-404	NSC	05/01/2001	Not Printed
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	23692	R202-207	NSC	05/01/2001	Not Printed
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Transportation, Operations, Construction	23608	R916-2	NSC	05/01/2001	Not Printed
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	23528	R657-5	AMD	04/03/2001	2001-5/19
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Natural Resources, Parks and Recreation	23441	R651-101	5YR	01/18/2001	2001-4/62
	23439	R651-205	AMD	03/20/2001	2001-4/37
	23440	R651-219	AMD	03/20/2001	2001-4/38
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Commerce, Occupational and Professional Licensing	23524	R156-55d-603	AMD	04/03/2001	2001-5/8
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	23473	R616-3-3	AMD	03/20/2001	2001-4/36
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Agriculture and Food, Chemical Laboratory	23404	R63-1	5YR	01/10/2001	2001-3/94
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	23451	R430-100	AMD	04/17/2001	2001-4/20
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Human Services, Administration, Administrative Services, Licensing	23121	R501-7	AMD	see CPR	2000-18/65
	23121	R501-7	CPR	01/16/2001	2000-23/59
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Human Services, Recovery Services	23733	R527-200	5YR	05/07/2001	2001-11/118
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Commerce, Occupational and Professional Licensing	23390	R156-73	AMD	02/15/2001	2001-2/2
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	23386	R645-301-500	AMD	04/02/2001	2001-1/26
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	23511	R251-102	5YR	02/05/2001	2001-5/40
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	23750	R916-3	5YR	05/14/2001	2001-11/119
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	23400	R251-301	AMD	03/13/2001	2001-3/8
	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
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Commerce, Occupational and Professional Licensing	23260	R156-11a	AMD	see CPR	2000-22/5
	23260	R156-11a	CPR	03/06/2001	2001-3/79
COVERAGE GROUPS					
Health, Health Care Financing, Coverage and Reimbursement Policy	23396	R414-303	EMR	01/03/2001	2001-3/87
	23420	R414-303	AMD	03/13/2001	2001-3/52
CRIMINAL INVESTIGATION					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23447	R724-7 (Changed to R722-320)	NSC	02/01/2001	Not Printed
CRIMINAL RECORDS					
Public Safety, Law Enforcement and Technical Services, Criminal Identification (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23444	R722-2 (Changed to R722-900)	NSC	02/01/2001	Not Printed
DIGITAL SIGNATURE					
Commerce, Corporations and Commercial Code	23595	R154-10	AMD	05/18/2001	2001-8/15
DAMAGES					
Transportation, Administration	23623	R907-63-1	NSC	05/01/2001	Not Printed
DEMONSTRATING					
Health, Health Care Financing, Coverage and reimbursement Policy	23452	R414-310	REP	04/04/2001	2001-4/13
DENTAL HYGIENIST					
Commerce, Occupational and Professional Licensing	23141	R156-69	AMD	see CPR	2000-19/10
	23141	R156-69	CPR	02/15/2001	2001-2/17
DENTISTS					
Commerce, Occupational and Professional Licensing	23141	R156-69	AMD	see CPR	2000-19/10
	23141	R156-69	CPR	02/15/2001	2001-2/17
DEPOSITORY					
Money Management Council, Administration	23624	R628-10	5YR	04/11/2001	2001-9/143

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Transportation, Operations, Construction	23750	R916-3	5YR	05/14/2001	2001-11/119
	23609	R916-3	NSC	05/01/2001	Not Printed
DEVELOPMENTALLY DISABLED					
Tax Commission, Administration	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
DISCHARGE PERMITS					
Environmental Quality, Water Quality	23161	R317-8	AMD	see CPR	2000-19/40
	23161	R317-8	CPR	01/23/2001	2000-24/78
DISCIPLINARY ACTION					
Education, Administration	23546	R277-514	NSC	04/01/2001	Not Printed
DISCLOSURE REQUIREMENTS					
Tax Commission, Administration	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
DISCRIMINATION					
Labor Commission. Antidiscrimination and Labor, Antidiscrimination	23515	R606-1-3	AMD	04/03/2001	2001-5/17
DIVERSION PROGRAM					
Commerce, Occupational and Professional Licensing	23295	R156-1-308d	AMD	01/04/2001	2000-23/9
DRINKING WATER					
Environmental Quality, Drinking Water	23662	R309-101	5YR	04/16/2001	2001-9/140
	23663	R309-102	5YR	04/16/2001	2001-9/140
	23664	R309-103	5YR	04/16/2001	2001-9/141
	23665	R309-104	5YR	04/16/2001	2001-9/141
	23252	R309-150	AMD	01/04/2001	2000-22/33
	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
DRUG STAMPS					
Tax Commission, Collections	23574	R867-2B	5YR	03/27/2001	2001-8/89
EDUCATIONAL PLANNING					
Education, Administration	23747	R277-415	5YR	05/14/2001	2001-11/117
EFFLUENT STANDARDS					
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/74
ELECTRICIANS					
Commerce, Occupational and Professional Licensing	23374	R156-55b	AMD	04/30/2001	2001-1/4
ELECTRONIC COMMERCE					
Commerce, Corporations and Commercial Code	23595	R154-10	AMD	05/18/2001	2001-8/15
ELECTRONIC COMMUNICATION					
Commerce, Corporations and Commercial Code	23595	R154-10	AMD	05/18/2001	2001-8/15
ELEVATORS					
Labor Commission, Safety	23473	R616-3-3	AMD	03/20/2001	2001-4/36

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	23185	R426-6	AMD	01/17/2001	2000-20/27
	23186	R426-7	NEW	01/30/2001	2000-20/29
	23202	R426-8	NEW	01/30/2001	2000-21/14
EMERGENCY VEHICLES					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23446	R724-6 (Changed to R722-340)	NSC	02/01/2001	Not Printed
EMPLOYER LIABILITY					
Workforce Services, Workforce Information and Payment Services	23744	R994-302	5YR	05/11/2001	2001-11/119
EMPLOYMENT					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	23515	R606-1-3	AMD	04/03/2001	2001-5/17
ENERGY ASSISTANCE					
Community and Economic Development, Community Development, Community Services	23687	R202-201	NSC	05/01/2001	Not Printed
	23688	R202-203	NSC	05/01/2001	Not Printed
	23689	R202-204	NSC	05/01/2001	Not Printed
	23690	R202-205	NSC	05/01/2001	Not Printed
	23691	R202-206	NSC	05/01/2001	Not Printed
	23692	R202-207	NSC	05/01/2001	Not Printed
	23693	R202-208	NSC	05/01/2001	Not Printed
ENERGY INDUSTRIES					
Community and Economic Development, Community Development, Community Services	23693	R202-208	NSC	05/01/2001	Not Printed
ENFORCEMENT					
Agriculture and Food, Animal Industry	23588	R58-15	5YR	03/30/2001	2001-8/85
ENGINEERS					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
ENVIRONMENTAL PROTECTION					
Environmental Quality, Drinking Water	23662	R309-101	5YR	04/16/2001	2001-9/140
	23664	R309-103	5YR	04/16/2001	2001-9/141
	23665	R309-104	5YR	04/16/2001	2001-9/141
	23252	R309-150	AMD	01/04/2001	2000-22/33
ETHICS					
Natural Resources, Wildlife Resources	23360	R657-38	AMD	01/16/2001	2000-24/53
EXEMPTIONS					
Environmental Quality, Radiation Control	23312	R313-19	AMD	01/26/2001	2000-23/19

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FEES					
Administrative Services, Finance	23366	R25-14	AMD	01/22/2001	2000-24/5
Health, Center for Health Data, Vital Records and Statistics	23681	R436-11	NSC	05/01/2001	Not Printed
Labor Commission, Industrial Accidents	23463	R612-2-3	NSC	02/15/2001	Not Printed
	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
	23549	R612-2-5	AMD	05/03/2001	2001-7/21
	23465	R612-2-6	NSC	02/15/2001	Not Printed
	23466	R612-2-11	NSC	02/15/2001	Not Printed
	23467	R612-2-16	AMD	03/20/2001	2001-4/33
	23468	R612-2-17	NSC	02/15/2001	Not Printed
	23469	R612-2-22	AMD	03/20/2001	2001-4/33
	23470	R612-2-23	NSC	02/15/2001	Not Printed
	23471	R612-2-24	AMD	03/20/2001	2001-4/34
	23472	R612-2-26	NSC	02/15/2001	Not Printed
FILING DEADLINES					
Labor Commission, Industrial Accidents	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
FINANCIAL DISCLOSURE					
Community and Economic Development, Community Development, Community Services	23689	R202-204	NSC	05/01/2001	Not Printed
Health, Health Care Financing, Coverage and Reimbursement Policy	23397	R414-304	EMR	01/03/2001	2001-3/89
FIRE					
Environmental Quality, Air Quality	23139	R307-204	NEW	see CPR	2000-19/14
	23139	R307-204	CPR	03/06/2001	2001-3/81
FIREARMS					
Administrative Services, Fleet Operations, Surplus Property	23523	R28-2	5YR	02/08/2001	2001-5/39
FIRE PREVENTION					
Public Safety, Fire Marshal	23339	R710-4	AMD	01/16/2001	2000-24/61
	23580	R710-4	AMD	05/16/2001	2001-8/77
FIRE PREVENTION LAW					
Public Safety, Fire Marshal	23340	R710-9	AMD	01/16/2001	2000-24/64
FISH					
Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
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Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
FOOD INSPECTION					
Agriculture and Food, Animal Industry	23306	R58-10	AMD	01/03/2001	2000-23/9
	23585	R58-11	5YR	03/30/2001	2001-8/83

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	23587	R58-13	5YR	03/30/2001	2001-8/84
	23589	R58-16	5YR	03/30/2001	2001-8/85
Agriculture and Food, Regulatory Services	23428	R70-420	REP	03/06/2001	2001-3/5
	23429	R70-430	REP	03/06/2001	2001-3/6
	23430	R70-610	5YR	01/16/2001	2001-3/96
	23431	R70-610	NSC	02/01/2001	Not Printed
	23432	R70-620	5YR	01/16/2001	2001-3/97
	23433	R70-620	AMD	03/06/2001	2001-3/7
FOOD STAMPS					
Workforce Services, Employment Development	23474	R986-900-902	AMD	03/20/2001	2001-4/47
FRANCHISE					
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
FRAUD					
Human Services, Recovery Services	23389	R527-928	AMD	02/15/2001	2001-2/7
GAME LAWS					
Natural Resources, Wildlife Resources	23356	R657-5	AMD	01/16/2001	2000-24/40
	23528	R657-5	AMD	04/03/2001	2001-5/19
	23601	R657-14	AMD	05/17/2001	2001-8/71
	23358	R657-17	AMD	01/16/2001	2000-24/51
	23810	R657-23	5YR	05/30/2001	2001-12/74
	23393	R657-33	AMD	02/15/2001	2001-2/8
GOVERNMENT DOCUMENTS					
Community and Economic Development, Community Development, Community Services	23692	R202-207	NSC	05/01/2001	Not Printed
GOVERNMENT HEARINGS					
Commerce, Administration	23537	R151-46b	5YR	02/28/2001	2001-6/49
Transportation, Preconstruction	23616	R930-2	NSC	05/01/2001	Not Printed
GOVERNMENT INFORMATION RESOURCES					
Transportation, Administration	23634	R907-40	NSC	05/01/2001	Not Printed
GRANTS					
Community and Economic Development, Community Development	23231	R199-8	AMD	01/23/2001	2000-21/3
	23575	R199-9	NSC	03/28/2001	Not Printed
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23742	R674-2	EXD	05/09/2001	2001-11/121
GRIEVANCE PROCEDURES					
Tax Commission, Administration	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
HALFWAY HOUSES					
Corrections, Administration	23512	R251-301	5YR	02/05/2001	2001-5/40
	23400	R251-301	AMD	03/13/2001	2001-3/8

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Transportation, Motor Carrier	23461	R909-75	AMD	03/20/2001	2001-4/45
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Transportation, Motor Carrier	23461	R909-75	AMD	03/20/2001	2001-4/45
HAZARDOUS WASTE					
Environmental Quality, Solid and Hazardous Waste	23409	R315-1	AMD	04/20/2001	2001-3/14
	23410	R315-2	AMD	04/20/2001	2001-3/16
	23412	R315-5-3	AMD	04/20/2001	2001-3/30
	23415	R315-13-1	AMD	04/20/2001	2001-3/40
	23416	R315-14-7	AMD	04/20/2001	2001-3/41
	23417	R315-16	AMD	04/20/2001	2001-3/42
	23418	R315-50	AMD	04/20/2001	2001-3/50
Transportation, Motor Carrier	23461	R909-75	AMD	03/20/2001	2001-4/45
HEALTH FACILITIES					
Health, Health Systems Improvement, Health Facility Licensure	23292	R432-106	NEW	01/23/2001	2000-23/31
Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	23477	R432-1	NSC	04/01/2001	Not Printed
	23478	R432-2	NSC	04/01/2001	Not Printed
	23479	R432-3	NSC	04/01/2001	Not Printed
	23480	R432-4	NSC	04/01/2001	Not Printed
	23481	R432-5	NSC	04/01/2001	Not Printed
	23482	R432-6	NSC	04/01/2001	Not Printed
	23483	R432-7	NSC	04/01/2001	Not Printed
	23484	R432-8	NSC	04/01/2001	Not Printed
	23485	R432-9	NSC	04/01/2001	Not Printed
	23486	R432-10	NSC	04/01/2001	Not Printed
	23487	R432-11	NSC	04/01/2001	Not Printed
	23488	R432-12	NSC	04/01/2001	Not Printed
	23489	R432-13	NSC	04/01/2001	Not Printed
	23490	R432-14	NSC	04/01/2001	Not Printed
	23491	R432-16	NSC	04/01/2001	Not Printed
	23492	R432-30	NSC	04/01/2001	Not Printed
	23493	R432-35	NSC	04/01/2001	Not Printed
	23494	R432-100	NSC	04/01/2001	Not Printed
	23495	R432-101	NSC	04/01/2001	Not Printed
	23496	R432-102	NSC	04/01/2001	Not Printed
	23497	R432-103	NSC	04/01/2001	Not Printed
	23498	R432-104	NSC	04/01/2001	Not Printed
	23499	R432-105	NSC	04/01/2001	Not Printed
	23561	R432-106	NSC	04/01/2001	Not Printed
	23500	R432-150	NSC	04/01/2001	Not Printed
	23501	R432-151	NSC	04/01/2001	Not Printed
	23502	R432-152	NSC	04/01/2001	Not Printed

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	23503	R432-200	NSC	04/01/2001	Not Printed
	23504	R432-201	NSC	04/01/2001	Not Printed
	23505	R432-270	NSC	04/01/2001	Not Printed
	23380	R432-270	AMD	03/30/2001	2001-1/10
	23506	R432-300	NSC	04/01/2001	Not Printed
	23567	R432-500	NSC	04/01/2001	Not Printed
	23507	R432-550	NSC	04/01/2001	Not Printed
	23508	R432-600	NSC	04/01/2001	Not Printed
	23562	R432-650	NSC	04/01/2001	Not Printed
	23509	R432-700	NSC	04/01/2001	Not Printed
	23510	R432-750	NSC	04/01/2001	Not Printed
	23563	R432-950	NSC	04/01/2001	Not Printed
HEARINGS					
Community and Economic Development, Community Development, Community Services	23686	R202-201	NSC	05/01/2001	Not Printed
Environmental Quality, Air Quality	23442	R307-103-1	NSC	02/01/2001	Not Printed
	23407	R307-103-2	AMD	04/12/2001	2001-3/13
Professional Practices Advisory Commission, Administration	23427	R686-100	AMD	03/06/2001	2001-3/67
	23547	R686-100	NSC	04/01/2001	Not Printed
HIGHER EDUCATION					
Regents (Board Of), Administration	23596	R765-649	NEW	05/16/2001	2001-8/78
HIGHWAY BEAUTIFICATION					
Transportation, Preconstruction, Right-of-Way Acquisition	23637	R933-1	NSC	05/01/2001	Not Printed
HIGHWAY FINANCE					
Transportation, Program Development	23613	R926-3	NSC	05/01/2001	Not Printed
	23614	R926-5	NSC	05/01/2001	Not Printed
HIGHWAY HEARINGS					
Transportation, Preconstruction	23616	R930-2	NSC	05/01/2001	Not Printed
HIGHWAY PLANNING					
Transportation, Program Development	23612	R926-2	NSC	05/01/2001	Not Printed
HIGHWAY ROADS					
Transportation, Program Development	23613	R926-3	NSC	05/01/2001	Not Printed
HIGHWAYS					
Transportation, Operations, Construction	23609	R916-3	NSC	05/01/2001	Not Printed
	23750	R916-3	5YR	05/14/2001	2001-11/119
HISTORIC PRESERVATION					
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
HOUSING					
Community and Economic Development, Community Development, History	23607	R212-11	NSC	05/01/2001	Not Printed

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Human Services, Administration, Administrative Services, Licensing	23121	R501-7	AMD	see CPR	2000-18/65
	23121	R501-7	CPR	01/16/2001	2000-23/59
	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
	23783	R501-14	5YR	05/18/2001	2001-12/75
	23323	R501-17	AMD	01/16/2001	2000-23/39
HUNTER EDUCATION					
Natural Resources, Wildlife Resources	23810	R657-23	5YR	05/30/2001	2001-12/74
HUNTING					
Natural Resources, Wildlife Resources	23360	R657-38	AMD	01/16/2001	2000-24/53
HUNTING AND FISHING LICENSES					
Natural Resources, Wildlife Resources	23358	R657-17	AMD	01/16/2001	2000-24/51
IMPACTED AREA PROGRAMS					
Community and Economic Development, Community Development	23576	R199-10	NSC	04/01/2001	Not Printed
IMPORT RESTRICTIONS					
Natural Resources, Wildlife Resources	23673	R657-3	5YR	04/16/2001	2001-9/143
INCIDENTS					
Administrative Services, Fleet Operations	23345	R27-7	NEW	01/31/2001	2000-24/6
INCOME					
Community and Economic Development, Community Development, Community Services	23688	R202-203	NSC	05/01/2001	Not Printed
Health, Health Care Financing, Coverage and Reimbursement Policy	23396	R414-303	EMR	01/03/2001	2001-3/87
	23420	R414-303	AMD	03/13/2001	2001-3/52
	23397	R414-304	EMR	01/03/2001	2001-3/89
	23452	R414-310	REP	04/04/2001	2001-4/13
INCOME ELIGIBILITY					
Community and Economic Development, Community Development, Community Services	23688	R202-203	NSC	05/01/2001	Not Printed
INDIAN AFFAIRS					
Community and Economic Development, Indian Affairs	23476	R230-1	5YR	02/01/2001	2001-4/61
INDIGENT					
Health, Health Care Financing, Medical Assistance Program	23351	R420-1	AMD	01/23/2001	2000-24/28
	23701	R420-1	EMR	05/01/2001	2001-10/85
INDUSTRIAL WASTE					
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/74
INDUSTRY					
Environmental Quality, Radiation Control	23552	R313-36	AMD	05/11/2001	2001-7/13

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Public Safety, Peace Officer Standards and Training	23630	R728-500	NSC	05/01/2001	Not Printed
INSPECTIONS					
Agriculture and Food, Regulatory Services	23728	R70-910	5YR	05/03/2001	2001-11/116
	23729	R70-950	5YR	05/03/2001	2001-11/116
INSTRUCTIONAL MATERIALS					
Education, Administration	23426	R277-469	AMD	03/06/2001	2001-3/9
INSURANCE					
Insurance, Administration	23582	R590-144	5YR	03/30/2001	2001-8/88
	23583	R590-144	NSC	05/01/2001	Not Printed
	23598	R590-146	AMD	05/23/2001	2001-8/65
	23713	R590-177	5YR	04/30/2001	2001-10/91
INSURANCE BENEFITS					
Insurance, Administration	23378	R590-204	NEW	02/09/2001	2001-1/23
INSURANCE LAW					
Insurance, Administration	22923	R590-200	NEW	see CPR (First)	2000-13/51
	22923	R590-200	CPR (First)	see CPR (Second)	2000-19/159
	22923	R590-200	CPR (Second)	see CPR (Third)	2000-23/60
	22923	R590-200	CPR (Third)	04/30/2001	2001-3/84
INSURANCE LAW PRIVACY					
Insurance, Administration	23247	R590-205	NEW	01/11/2001	2000-22/35
INTERNET ACCESS					
Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed
INTRASTATE DRIVER LICENSE WAIVERS					
Public Safety, Driver License	23597	R708-34	AMD	05/16/2001	2001-8/74
INVESTIGATIONS					
Public Safety, Peace Officer Standards and Training	23629	R728-409	NSC	05/01/2001	Not Printed
IRON AND MANGANESE CONTROL					
Environmental Quality, Drinking Water	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
JURISDICTION					
Workforce Services, Workforce Information and Payment Services	23525	R994-406-304	AMD	04/05/2001	2001-5/28
LAND MANAGER					
Environmental Quality, Air Quality	23139	R307-204	NEW	see CPR	2000-19/14
	23139	R307-204	CPR	03/06/2001	2001-3/81

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	23538	R510-1	AMD	04/17/2001	2001-6/45
Public Safety, Fire Marshal	23340	R710-9	AMD	01/16/2001	2000-24/64
LAW ENFORCEMENT					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23447	R724-7 (Changed to R722-320)	NSC	02/01/2001	Not Printed
Public Safety, Peace Officer Standards and Training	23628	R728-404	NSC	05/01/2001	Not Printed
	23629	R728-409	NSC	05/01/2001	Not Printed
LAW ENFORCEMENT OFFICERS					
Public Safety, Peace Officer Standards and Training	23630	R728-500	NSC	05/01/2001	Not Printed
LIBRARIES					
Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed
LICENSE					
Environmental Quality, Radiation Control	23312	R313-19	AMD	01/26/2001	2000-23/19
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23448	R724-9 (Changed to R722-330)	NSC	02/01/2001	Not Printed
	23449	R724-10 (Changed to R722-310)	NSC	02/01/2001	Not Printed
LICENSING					
Commerce, Occupational and Professional Licensing	23295	R156-1-308d	AMD	01/04/2001	2000-23/9
	23550	R156-3a	AMD	05/03/2001	2001-7/9
	23260	R156-11a	AMD	see CPR	2000-22/5
	23260	R156-11a	CPR	03/06/2001	2001-3/79
	23566	R156-16a	AMD	05/17/2001	2001-8/16
	23695	R156-17a	5YR	04/26/2001	2001-10/89
	23296	R156-26a	AMD	01/04/2001	2000-23/11
	23309	R156-28	AMD	see CPR	2000-23/15
	23309	R156-28	CPR	03/08/2001	2001-3/80
	23401	R156-37-502	NSC	02/01/2001	Not Printed
	23535	R156-47b	5YR	02/26/2001	2001-6/49
	23696	R156-50	5YR	04/26/2001	2001-10/90
	23518	R156-54-302b	AMD	04/03/2001	2001-5/7
	23602	R156-54-302b	NSC	05/01/2001	Not Printed
	23374	R156-55b	AMD	04/30/2001	2001-1/4

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	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
	23524	R156-55d-603	AMD	04/03/2001	2001-5/8
	23620	R156-60b	AMD	06/01/2001	2001-9/13
	23632	R156-61	AMD	06/01/2001	2001-9/16
	23141	R156-69	AMD	see CPR	2000-10/10
	23141	R156-69	CPR	02/15/2001	2001-2/17
	23390	R156-73	AMD	02/15/2001	2001-2/2
Commerce, Real Estate	23321	R162-102	AMD	02/07/2001	2000-23/17
Environmental Quality, Radiation Control	23552	R313-36	AMD	05/11/2001	2001-7/13
Human Services, Administration, Administrative Services, Licensing	23121	R501-7	AMD	see CPR	2000-18/65
	23121	R501-7	CPR	01/16/2001	2000-23/59
	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
	23783	R501-14	5YR	05/18/2001	2001-12/73
	23323	R501-17	AMD	01/16/2001	2000-23/39
Natural Resources, Wildlife Resources	23455	R657-27	AMD	03/26/2001	2001-4/39
LICENSING (TRADEMARK)					
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23740	R674-3	EXD	05/07/2001	2001-11/121
LIFELINE RATES					
Public Service Commission, Administration	23376	R746-341	AMD	03/01/2001	2001-1/30
LIMITED ACCESS HIGHWAYS					
Transportation, Preconstruction, Right-of-Way Acquisition	23619	R933-3	NSC	05/01/2001	Not Printed
LIQUEFIED PETROLEUM GAS					
Public Safety, Fire Marshal	23367	R710-6	AMD	01/16/2001	2000-24/63
LOCAL GOVERNMENT					
Health, Center for Health Data, Vital Records and Statistics	23681	R436-11	NSC	05/01/2001	Not Printed
LOSS RECOVERY					
Transportation, Administration	23623	R907-63-1	NSC	05/01/2001	Not Printed
MAMMOGRAPHY					
Health, Health Systems Improvement, Health Facility Licensure (Changed to Health Systems Improvement, Licensing)	23563	R432-950	NSC	04/01/2001	Not Printed
MARRIAGE AND FAMILY THERAPIST					
Commerce, Occupational and Professional Licensing	23620	R156-60b	AMD	06/01/2001	2001-9/13
MASSAGE					
Commerce, Occupational and Professional Licensing	23535	R156-47b	5YR	02/26/2001	2001-6/49

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MEDICAID					
Health, Health Care Financing, Coverage and Reimbursement Policy	23347	R414-63	NEW	01/17/2001	2000-24/23
	23551	R414-63	AMD	05/07/2001	2001-7/17
	23421	R414-304	AMD	03/13/2001	2001-3/56
	23398	R414-305	EMR	01/03/2001	2001-3/91
	23422	R414-305	AMD	03/13/2001	2001-3/60
Health, Health Care Financing, Medical Assistance Program	23351	R420-1	AMD	01/23/2001	2000-24/28
	23701	R420-1	EMR	05/01/2001	2001-10/85
MEDICAL PRACTITIONER					
Labor Commission, Industrial Accidents	23463	R612-2-3	NSC	02/15/2001	Not Printed
	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
	23549	R612-2-5	AMD	05/03/2001	2001-7/21
	23465	R612-2-6	NSC	02/15/2001	Not Printed
	23466	R612-2-11	NSC	02/15/2001	Not Printed
	23467	R612-2-16	AMD	03/20/2001	2001-4/32
	23468	R612-2-17	NSC	02/15/2001	Not Printed
	23469	R612-2-22	AMD	03/20/2001	2001-4/33
	23470	R612-2-23	NSC	02/15/2001	Not Printed
	23471	R612-2-24	AMD	03/20/2001	2001-4/34
	23472	R612-2-26	NSC	02/15/2001	Not Printed
MEDICAL RECORDS					
Corrections, Administration	23313	R251-102	AMD	01/04/2001	2000-23/18
	23511	R251-102	5YR	02/05/2001	2001-5/40
MENTAL HEALTH					
Corrections, Administration	23568	R251-109	5YR	03/27/2001	2001-8/86
METHADONE PROGRAMS					
Human Services, Substance Abuse	23706	R544-2	5YR	04/30/2001	2001-10/90
MISCELLANEOUS TREATMENT					
Environmental Quality, Drinking Water	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
MOTOR VEHICLE					
Transportation, Motor Carrier, Ports of Entry	23698	R912-8	5YR	04/27/2001	2001-10/91
NATIVE AMERICAN REMAINS					
Community and Economic Development, Indian Affairs	23476	R230-1	5YR	02/01/2001	2001-4/61
NOISE ABATEMENT					
Transportation, Preconstruction	23617	R930-3	NSC	05/01/2001	Not Printed
NOISE CONTROL					
Transportation, Preconstruction	23617	R930-3	NSC	05/01/2001	Not Printed
NOISE WALL					
Transportation, Preconstruction	23617	R930-3	NSC	05/01/2001	Not Printed

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NOTIFICATION					
Corrections, Administration	23571	R251-110	5YR	03/27/2001	2001-8/87
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Agriculture and Food, Plant Industry	23436	R68-6	5YR	01/16/2001	2001-3/95
OCCUPATIONAL LICENSING					
Commerce, Occupational and Professional Licensing	23295	R156-1-308d	AMD	01/04/2001	2000-23/9
	23374	R156-55b	AMD	04/30/2001	2001-1/4
	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
OIL AND GAS LAW					
Natural Resources; Oil, Gas and Mining; Oil and Gas	23304	R649-4	NEW	01/03/2001	2001-23/43
OLDER AMERICANS ACT					
Human Services, Aging and Adult Services	23453	R510-1	5YR	01/23/2001	2001-4/62
	23538	R510-1	AMD	04/17/2001	2001-6/45
OPTOMETRIST					
Commerce, Occupational and Professional Licensing	23566	R156-16a	AMD	05/17/2001	2001-8/16
OVERPAYMENTS					
Human Services, Recovery Services	23733	R527-200	5YR	05/07/2001	2001-11/118
Workforce Services, Workforce Information and Payment Services	23525	R994-406-304	AMD	04/05/2001	2001-5/28
PARKS					
Natural Resources, Parks and Recreation	23423	R651-601	AMD	03/06/2001	2001-3/62
	23424	R651-608-2	AMD	03/06/2001	2001-3/63
PAYMENT DETERMINATION					
Community and Economic Development, Community Development, Community Services	23688	R202-203	NSC	05/01/2001	Not Printed
PEACE OFFICER					
Public Safety, Peace Officer Standards and Training	23627	R728-205	NSC	05/01/2001	Not Printed
PEER REVIEW					
Commerce, Occupational and Professional Licensing	23296	R156-26a	AMD	01/04/2001	2000-23/11
PERMITS					
Environmental Quality, Air Quality	23781	R307-501	EMR	05/15/2001	2001-11/114
Natural Resources, Wildlife Resources	23364	R657-42	AMD	01/16/2001	2000-24/60
	23533	R657-42-6	AMD	04/03/2001	2001-5/27
PERSONAL PROPERTY					
Tax Commission, Property Tax	23475	R884-24P-49	AMD	04/11/2001	2001-4/42
	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
PHARMACIES					
Commerce, Occupational and Professional Licensing	23695	R156-17a	5YR	04/26/2001	2001-10/89

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Commerce, Occupational and Professional Licensing	23695	R156-17a	5YR	04/26/2001	2001-10/89
PLANNING					
Governor, Planning and Budget	23408	R361-1	5YR	01/11/2001	2001-3/97
PLANT DISEASES					
Agriculture and Food, Plant Industry	23437	R68-10	5YR	01/16/2001	2001-3/96
	23438	R68-12	5YR	01/16/2001	2001-3/96
PLUMBERS					
Commerce, Occupational and Professional Licensing	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
PLUMBING					
Commerce, Occupational and Professional Licensing	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
POINT SYSTEM					
Public Safety, Driver License	23402	R708-3	AMD	03/06/2001	2001-3/75
	23514	R708-3	NSC	02/22/2001	Not Printed
PORTABLE ELECTRICITY GENERATOR SETS					
Environmental Quality, Air Quality	23781	R307-501	EMR	05/15/2001	2001-11/114
POSTAL SERVICE					
Transportation, Preconstruction	23615	R930-1	NSC	05/01/2001	Not Printed
POST CONVICTION					
Administrative Services, Finance	23366	R25-14	AMD	01/22/2001	2000-24/5
PRESERVATION					
Community and Economic Development, Community Development, History	23607	R212-11	NSC	05/01/2001	Not Printed
PRISONS					
Corrections, Administration	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
PRIVATE INVESTIGATORS					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23448	R724-9 (Changed to R722-330)	NSC	02/01/2001	Not Printed
PRIVATE PROBATION PROVIDER					
Commerce, Occupational and Professional Licensing	23696	R156-50	5YR	04/26/2001	2001-10/90
PROBATION					
Commerce, Occupational and Professional Licensing	23696	R156-50	5YR	04/26/2001	2001-10/90
PROCEDURES					
Public Service Commission, Administration	23354	R746-240	AMD	02/15/2001	2000-24/67
	23328	R746-340	AMD	see CPR	2000-23/49
	23328	R746-340	CPR	03/26/2001	2001-4/56

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PROFESSIONAL COMPETENCY					
Education, Administration	23748	R277-513	5YR	05/14/2001	2001-11/117
	23546	R277-514	NSC	04/01/2001	Not Printed
Money Management Council, Administration	23624	R628-10	5YR	04/11/2001	2001-9/143
PROFESSIONAL ENGINEERS					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
PROFESSIONAL LAND SURVEYORS					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
PROGRAM BENEFITS					
Health, Health Care Financing, Coverage and Reimbursement Policy	23459	R414-306	AMD	04/04/2001	2001-4/11
PROMOTIONS					
Agriculture and Food, Marketing and Conservation	23543	R65-1	5YR	03/06/2001	2001-7/45
	23544	R65-3	5YR	03/06/2001	2001-7/45
	23545	R65-4	5YR	03/06/2001	2001-7/46
PROPERTY TAX					
Tax Commission, Property Tax	23475	R884-24P-49	AMD	04/11/2001	2001-4/42
	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
PSYCHIATRIC PERSONNEL					
Corrections, Administration	23568	R251-109	5YR	03/27/2001	2001-8/86
PSYCHOLOGISTS					
Commerce, Occupational and Professional Licensing	23632	R156-61	AMD	06/01/2001	2001-9/16
PSYCHOTHERAPY					
Corrections, Administration	23568	R251-109	5YR	03/27/2001	2001-8/86
PUBLIC ASSISTANCE					
Workforce Services, Employment Development	23474	R986-900-902	AMD	03/20/2001	2001-4/47
PUBLIC ASSISTANCE PROGRAMS					
Human Services, Recovery Services	23389	R527-928	AMD	02/15/2001	2001-2/7
PUBLIC BUILDINGS					
Administrative Services, Facilities Construction and Management	23697	R23-6	NSC	05/01/2001	Not Printed
Capitol Preservation Board (State), Administration	23578	R131-4	NEW	05/16/2001	2001-8/7
Public Safety, Fire Marshal	23339	R710-4	AMD	01/16/2001	2000-24/61
	23580	R710-4	AMD	05/16/2001	2001-8/77

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Transportation, Preconstruction	23616	R930-2	NSC	05/01/2001	Not Printed
PUBLIC INFORMATION					
Transportation, Administration	23634	R907-40	NSC	05/01/2001	Not Printed
PUBLIC INVESTMENTS					
Money Management Council, Administration	23624	R628-10	5YR	04/11/2001	2001-9/143
PUBLIC LIBRARY					
Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed
PUBLIC MEETINGS					
Natural Resources, Wildlife Resources	23529	R657-39	5YR	02/15/2001	2001-5/41
	23530	R657-39	AMD	04/03/2001	2001-5/20
PUBLIC SAFETY					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed
PUBLIC UTILITIES					
Public Service Commission, Administration	23353	R746-200	AMD	02/15/2001	2000-24/66
	23271	R746-360	AMD	02/15/2001	2000-22/45
QUALITY CONTROL					
Agriculture and Food, Regulatory Services	23541	R70-101	5YR	03/06/2001	2001-7/46
	23542	R70-101	AMD	05/02/2001	2001-7/6
QUARANTINES					
Agriculture and Food, Animal Industry	23557	R58-2	NSC	04/01/2001	Not Printed
RADIOACTIVE MATERIAL					
Environmental Quality, Radiation Control	23552	R313-36	AMD	05/11/2001	2001-7/13
RADIOLOGY					
Commerce, Occupational and Professional Licensing	23518	R156-54-302b	AMD	04/03/2001	2001-5/7
RADIOLOGY PRACTICAL TECHNICIAN					
Commerce, Occupational and Professional Licensing	23518	R156-54-302b	AMD	04/03/2001	2001-5/7
	23602	R156-54b-302b	NSC	05/01/2001	Not Printed
RADIOLOGY TECHNOLOGIST					
Commerce, Occupational and Professional Licensing	23602	R156-54b-302b	NSC	05/01/2001	Not Printed
RAILROADS					
Transportation, Operations, Traffic and Safety	23635	R920-2	NSC	05/01/2001	Not Printed
Transportation, Preconstruction	23618	R930-5	NSC	05/01/2001	Not Printed
RAILROADS CROSSINGS					
Transportation, Preconstruction	23618	R930-5	NSC	05/01/2001	Not Printed

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RANGE MANAGEMENT					
School and Institutional Trust Lands, Administration	23558	R850-50-400	AMD	05/02/2001	2001-7/22
RATES					
Labor Commission, Industrial Accidents	23520	R612-4	5YR	02/08/2001	2001-5/41
REAL ESTATE APPRAISAL					
Commerce, Real Estate	23321	R162-102	AMD	02/07/2001	2000-23/17
RECIPROCITY					
Environmental Quality, Radiation Control	23312	R313-19	AMD	01/26/2001	2000-23/19
RECLAMATION					
Natural Resources; Oil, Gas and Mining; Coal	23385	R645-100-200	AMD	04/02/2001	2001-1/25
	23386	R645-301-500	AMD	04/02/2001	2001-1/26
	23387	R645-301-700	AMD	see CPR	2001-1/29
	23387	R645-301-700	CPR	05/03/2001	2001-7/26
RECREATION					
Natural Resources, Wildlife Resources	23360	R657-38	AMD	01/16/2001	2000-24/53
REGIONAL ADVISORY COUNCILS					
Natural Resources, Wildlife Resources	23529	R657-39	5YR	02/15/2001	2001-5/41
	23530	R657-39	AMD	04/03/2001	2001-5/20
REHABILITATION					
Community and Economic Development, Community Development, History	23607	R212-11	NSC	05/01/2001	Not Printed
Natural Resources, Wildlife Resources	23531	R657-40	5YR	02/15/2001	2001-5/42
	23532	R657-40	AMD	04/03/2001	2001-5/22
RESIDENCY REQUIREMENTS					
Community and Economic Development, Community Development, Community Services	23687	R202-201	NSC	05/01/2001	Not Printed
RESIDENTIAL MORTGAGE LOAN ORIGINATION					
Commerce, Real Estate	23526	R162-209	NEW	04/13/2001	2001-5/9
RESOURCE COORDINATION					
Governor, Planning and Budget	23408	R361-1	5YR	01/11/2001	2001-3/97
RETIREMENT					
Public Safety, Peace Officer Standards and Training	23627	R728-205	NSC	05/01/2001	Not Printed
RIGHT-OF-WAY					
Transportation, Program Development	23311	R926-6	AMD	01/03/2001	2000-23/55
Transportation, Preconstruction, Right-of-Way Acquisition	23637	R933-1	NSC	05/01/2001	Not Printed
	23536	R933-4	AMD	04/18/2001	2001-6/45
RULES					
Public Service Commission, Administration	23353	R746-200	AMD	02/15/2001	2000-24/66

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Public safety, Peace Officer Standards and Training	23629	R728-409	NSC	05/01/2001	Not Printed
Public Service Commission, Administration	23376	R746-341	AMD	03/01/2001	2001-1/30
SAFETY					
Labor Commission, Occupational Safety and Health	23372	R614-1-4	AMD	02/01/2001	2001-1/24
	23516	R614-1-4	NSC	02/22/2001	Not Printed
Labor Commission, Safety	23310	R616-2-3	AMD	01/03/2001	2000-23/42
	23473	R616-3-3	AMD	03/20/2001	2001-4/36
Transportation, Motor Carrier, Ports of Entry	23625	R912-16	NSC	05/01/2001	Not Printed
SAFETY REGULATION					
Transportation, Motor Carrier	23565	R909-4	NSC	04/01/2001	Not Printed
	23461	R909-75	AMD	03/20/2001	2001-4/45
SCHOOL PERSONNEL					
Education, Administration	23748	R277-513	5YR	05/14/2001	2001-11/117
SCREENING					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	23303	R388-804	AMD	02/02/2001	2000-23/29
SECURITY MEASURES					
Corrections, Administration	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
SEIZURE OF PROPERTY					
Tax Commission, Collections	23574	R867-2B	5YR	03/27/2001	2001-8/89
SESQUICENTENNIAL (UTAH PIONEER)					
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23739	R674-1	EXD	05/07/2001	2001-11/121
	23742	R674-2	EXD	05/09/2001	2001-11/121
	23740	R674-3	EXD	05/07/2001	2001-11/121
SEX CRIMES					
Corrections, Administration	23571	R251-110	5YR	03/27/2001	2001-8/87
SIGNS					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed
SMOKE					
Environmental Quality, Air Quality	23139	R307-204	NEW	see CPR	2000-19/14
	23139	R307-204	CPR	03/06/2001	2001-3/81
SNOW					
Transportation, Operations, Traffic and Safety	23610	R920-6	NSC	05/01/2001	Not Printed
SNOW REMOVAL					
Transportation, Operations, Maintenance	23379	R918-3	AMD	02/15/2001	2001-1/32

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SOCIAL SERVICES					
Human Services, Administration	23605	R495-862	5YR	04/04/2001	2001-9/142
SOLID WASTE MANAGEMENT					
Environmental Quality, Solid and Hazardous Waste	22858	R315-315-8	AMD	see CPR (First)	2000-11/18
	22858	R315-315-8	CPR (First)	see CPR (Second)	2000-17/67
	22858	R315-315-8	CPR (Second)	01/05/2001	2000-23/58
STABILIZATION					
Environmental Quality, Drinking Water	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
STANDARDS					
Natural Resources, Wildlife Resources	23531	R657-40	5YR	02/15/2001	2001-5/42
	23532	R657-40	AMD	04/03/2001	2001-5/22
STATE LANDS					
Community and Economic Development, Indian Affairs	23476	R230-1	5YR	02/01/2001	2001-4/61
STATE PARKS					
Transportation, Program Development	23614	R926-5	NSC	05/01/2001	Not Printed
STRATEGIC PLANNING					
Education, Administration	23747	R277-415	5YR	05/14/2001	2001-11/117
STUDENT LOANS					
Regents (Board of), Administration	23596	R765-649	NEW	05/16/2001	2001-8/78
SURVEYORS					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
SURVEYS					
Environmental Quality, Radiation Control	23552	R313-36	AMD	05/11/2001	2001-7/13
TAXATION					
Tax Commission, Administration	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
	23572	R865-21U	5YR	03/27/2001	2001-8/88
	23553	R865-21U-6	NSC	04/01/2001	Not Printed
Tax Commission, Collections	23574	R867-2B	5YR	03/27/2001	2001-8/89
Tax Commission, Property Tax	23475	R884-24P-49	AMD	04/11/2001	2001-4/42
	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
TAX CREDIT					
Community and Economic Development, Community Development, History	23607	R212-11	NSC	05/01/2001	Not Printed
TEACHER CERTIFICATION					
Education, Administration	23748	R277-513	5YR	05/14/2001	2001-11/117
	23749	R277-517	5YR	05/14/2001	2001-11/118

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	23547	R686-100	NSC	04/01/2001	Not Printed
TEACHER LICENSURE					
Education, Administration	23546	R277-514	NSC	04/01/2001	Not Printed
TELECOMMUNICATIONS					
Public Service Commission, Administration	23354	R746-240	AMD	02/15/2001	2000-24/67
	23328	R746-340	AMD	see CPR	2000-23/49
	23328	R746-340	CPR	03/27/2001	2001-4/56
	23376	R746-341	AMD	03/01/2001	2001-1/30
	23271	R746-360	AMD	02/15/2001	2000-22/45
TELEPHONE					
Public Service Commission, Administration	23354	R746-240	AMD	02/15/2001	2000-24/67
	23376	R746-341	AMD	03/01/2001	2001-1/30
TELEPHONE UTILITY REGULATION					
Public Service Commission, Administration	23328	R746-340	AMD	see CPR	2000-23/49
	23328	R746-340	CPR	03/27/2001	2001-4/56
TERMS OF OFFICE					
Natural Resources, Wildlife Resources	23529	R657-39	5YR	02/15/2001	2001-5/41
	23530	R657-39	AMD	04/03/2001	2001-5/20
THERAPISTS					
Commerce, Occupational and Professional Licensing	23620	R156-60b	AMD	06/01/2001	2001-9/13
TICKETS					
Administrative Services, Fleet Operation	23345	R27-7	NEW	01/31/2001	2000-24/6
TIME					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	23515	R606-1-3	AMD	04/03/2001	2001-5/17
Labor Commission, Industrial Accidents	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
TIRES					
Transportation, Operations, Traffic and Safety	23610	R920-6	NSC	05/01/2001	Not Printed
TOWING					
Transportation, Motor Carrier	23565	R909-4	NSC	04/01/2001	Not Printed
TRAFFIC CONTROL					
Transportation, Operations, Traffic and Safety	23635	R920-2	NSC	05/01/2001	Not Printed
TRAFFIC SAFETY					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed
TRAFFIC SIGNS					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed

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TRAFFIC VIOLATIONS					
Public Safety, Driver License	23402	R708-3	AMD	03/06/2001	2001-3/75
	23514	R708-3	NSC	02/22/2001	Not Printed
TRAINING					
Corrections, Administration	23512	R251-301	5YR	02/05/2001	2001-5/40
	23400	R251-301	AMD	03/13/2001	2001-3/8
TRANSPORTATION					
Environmental Quality, Radiation Control	23312	R313-19	AMD	01/26/2001	2000-23/19
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/001	2001-4/44
Transportation, Program Development	23614	R926-5	NSC	05/01/2001	Not Printed
	23311	R926-6	AMD	01/03/2001	2000-23/55
TRANSPORTATION CORRIDOR PRESERVATION REVOLVING LOAN FUND					
Transportation, Program Development	23311	R926-6	AMD	01/03/2001	2000-23/55
TRANSPORTATION PLANNING					
Transportation, Program Development	23612	R926-2	NSC	05/01/2001	Not Printed
	23311	R926-6	AMD	01/03/2001	2000-23/55
TRANSPORTATION POLICY					
Transportation, Program Development	23613	R926-3	NSC	05/01/2001	Not Printed
TRANSPORTATION SAFETY					
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/2001	2001-4/44
	23573	R909-1	NSC	04/01/2001	Not Printed
	23590	R909-1	NSC	05/01/2001	Not Printed
TRUCKING INDUSTRIES					
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
TRUCKS					
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/2001	2001-4/44
	23573	R909-1	NSC	04/01/2001	Not Printed
	23590	R909-1	NSC	05/01/2001	Not Printed
	23565	R909-4	NSC	04/01/2001	Not Printed
	23625	R912-16	NSC	05/01/2001	Not Printed
TUBERCULOSIS					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	23303	R388-804	AMD	02/02/2001	2000-23/29
UMAP (Utah Medical Assistance Program)					
Health, Health Care Financing, Converge and Reimbursement Policy	23349	R414-309	AMD	01/17/2001	2000-24/24
	23700	R414-309	EMR	05/01/2001	2001-10/82
Health, Health Care Financing, Medical Assistance Program	23351	R420-1	AMD	01/23/2001	2000-24/28
	23701	R420-1	EMR	05/01/2001	2001-10/85

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Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23447	R724-7 (Changed to R722-320)	NSC	02/01/2001	Not Printed
UNDERGROUND INJECTION CONTROL					
Environmental Quality, Water Quality	23162	R317-7	AMD	see CPR	2000-19/34
	23162	R317-7	CPR	01/23/2001	2000-24/75
UNEMPLOYMENT COMPENSATION					
Workforce Services, Workforce Information and Payment Services	23744	R994-302	5YR	05/11/2001	2001-11/119
	23525	R994-406-304	AMD	04/05/2001	2001-5/28
	23745	R994-308	5YR	05/11/2001	2001-11/120
UNIVERSAL SERVICE					
Public Service Commission, Administration	23271	R746-360	AMD	02/15/2001	2000-22/45
UPSCCC (Utah Pioneer Sesquicentennial Celebration Coordinating Council)					
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23739	R674-1	EXD	05/07/2001	2001-11/121
	23742	R674-2	EXD	05/09/2001	2001-11/121
	23740	R674-3	EXD	05/07/2001	2001-11/121
USER TAX					
Tax Commission, Auditing	23572	R865-21U	5YR	03/27/2001	2001-8/88
	23553	R865-21U-6	NSC	04/01/2001	Not Printed
UTILITY RULES					
Transportation, Preconstruction	23198	R930-6	AMD	01/19/2001	2000-21/43
	23443	R930-6	NSC	02/12/2001	Not Printed
UTILITY SERVICE SHUTOFF					
Public Service Commission, Administration	23353	R746-200	AMD	02/15/2001	2000-24/66
VETERINARY MEDICINE					
Commerce, Occupational and Professional Licensing	23309	R156-28	AMD	see CPR	2000-23/15
	23309	R156-28	AMD	03/08/2001	2001-3/80
VICTIM COMPENSATION					
Crime Victim Reparations, Administration	23527	R270-1	AMD	04/03/2001	2001-5/11
VICTIMS OF CRIMES					
Crime Victim Reparations, Administration	23527	R270-1	AMD	04/03/2001	2001-5/11
VITAL STATISTICS					
Health, Center for health Data, Vital Records and Statistics	23681	R436-11	NSC	05/01/2001	Not Printed

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WASTE DISPOSAL					
Environmental Quality, Solid and Hazardous Waste	22858	R315-315-8	AMD	see CPR (First)	2000-11/18
	22858	R315-315-8	CPR (First)	see CPR (Second)	2000-17/67
	22858	R315-315-8	CPR (Second)	01/05/2001	2000-23/58
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/74
	23161	R317-8	AMD	see CPR	2000-19/40
	23161	R317-8	CPR	01/23/2001	2000-24/78
WATER POLLUTION					
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/72
WATER QUALITY					
Environmental Quality, Water Quality	23162	R317-7	AMD	see CPR	2000-19/34
	23162	R317-7	CPR	01/23/2001	2000-24/75
WATERSHED MANAGEMENT					
Environmental Quality, Drinking Water	23663	R309-102	5YR	04/16/2001	2001-9/140
WATER SYSTEM RATING					
Environmental Quality, Drinking Water	23252	R309-150	AMD	01/04/2001	2000-22/33
WELFARE FRAUD					
Human Services, Recovery Services	23733	R527-200	5YR	05/07/2001	2001-11/118
WILDLAND FIRE FUND					
Natural Resources; Forestry, Fire and State Lands	23425	R652-121	AMD	03/12/2001	2001-3/64
WILDLIFE					
Natural Resources, Wildlife Resources	23673	R657-3	5YR	04/16/2001	2001-9/143
	23356	R657-5	AMD	01/16/2001	2000-24/40
	23528	R657-5	AMD	04/03/2001	2001-5/19
	23189	R657-13	AMD	01/02/2001	2000-21/23
	23358	R657-17	AMD	01/16/2001	2000-24/51
	23810	R657-23	5YR	05/30/2001	2001-12/74
	23455	R657-27	AMD	03/26/2001	2001-4/39
	23393	R657-33	AMD	02/15/2001	2001-2/8
	23360	R657-38	AMD	01/16/2001	2000-24/53
	23531	R657-40	5YR	02/15/2001	2001-5/42
	23532	R657-40	AMD	04/03/2001	2001-5/22
	23362	R657-41	AMD	01/16/2001	2000-24/56
	23364	R657-42	AMD	01/16/2001	2000-24/60
	23533	R657-42-6	AMD	04/03/2001	2001-5/27
WILDLIFE LAW					
Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
	23455	R657-27	AMD	03/26/2001	2001-4/39
WILDLIFE PERMITS					
Natural Resources, Wildlife Resources	23362	R657-41	AMD	01/16/2001	2000-24/56

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WORKERS' COMPENSATION					
Labor Commission, Industrial Accidents	23462	R612-1-3	NSC	02/15/2001	Not Printed
	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
	23463	R612-2-3	NSC	02/15/2001	Not Printed
	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
	23549	R612-2-5	AMD	05/03/2001	2001-7/21
	23465	R612-2-6	NSC	02/15/2001	Not Printed
	23466	R612-2-11	NSC	02/15/2001	Not Printed
	23467	R612-2-16	AMD	03/20/2001	2001-4/32
	23468	R612-2-17	NSC	02/15/2001	Not Printed
	23469	R612-2-22	AMD	03/20/2001	2001-4/33
	23470	R612-2-23	NSC	02/15/2001	Not Printed
	23471	R612-2-24	AMD	03/20/2001	2001-4/34
	23472	R612-2-26	NSC	02/15/2001	Not Printed
	23520	R612-4	5YR	02/08/2001	2001-5/41
WORK ZONE TRAFFIC CONTROL					
Transportation, Operations, Traffic and Safety	23636	R920-3	NSC	05/01/2001	Not Printed
YOUTH					
Human Services, Administration, Administrative Services, Licensing	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
ZOOLOGICAL ANIMALS					
Natural Resources, Wildlife Resources	23673	R657-3	5YR	04/16/2001	2001-9/143