

UTAH STATE BULLETIN

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

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

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PROCLAMATION

WHEREAS, since the close of the 2001 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 54th Legislature of the State of Utah into a Third Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of July, 2001, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2001 General Session of the 54th Legislature of the State of Utah.

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 3rd day of July, 2001.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

DEPARTMENT OF HEALTH HEALTH CARE FINANCING

PUBLIC NOTICE FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS

The Division of Health Care Financing, the State Medicaid Agency, hereby gives public notice that Federally Qualified Health Centers and Rural Health Clinics will be reimbursed in accordance with the federal methodology detailed in the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 (BIPA).

Written comments can be sent to the attention of Blaine Goff. The public may review the changes as reflected in the Medicaid State Plan at: Division of Health Care Financing, Utah Department of Health, 288 North 1460 West, Salt Lake City, Utah 84114-3102.

**DEPARTMENT OF HEALTH
HEALTH CARE FINANCING**

**PUBLIC NOTICE
MEDICAID PAYMENTS TO HOSPITALS FOR
GRADUATE MEDICAL EDUCATION (GME)**

The Utah State Medicaid Program is changing the procedures used to provide GME funding to teaching hospitals in Utah. GME payments will be made for each inpatient day of care provided to Medicaid clients by teaching hospitals. The purpose of this is to assure Medicaid is paying its fair share of the cost of educating medical professionals in the State of Utah. The project will fund both the direct costs of training and the indirect costs for inpatient and outpatient facilities. The GME funds will be directed to approved teaching programs by the Utah Medical Education Council.

Questions regarding this change may be directed to Blaine Goff at (801) 538-6440 or at the Division of Health Care Financing, Utah Department of Health, 288 North 1460 West, Salt Lake City, Utah 84114-3102.

**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. 01-14, dated July 6, 2001 (<http://www.state.lib.ut.us/01-14.html>); and List No. 01-15, dated July 20, 2001 (<http://www.state.lib.ut.us/01-15.html>). For copies of the complete lists, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view them on the World Wide Web at the addresses 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 July 3, 2001, 12:00 a.m., and July 16, 2001, 11:59 p.m., are included in this, the August 1, 2001, issue of the *Utah State Bulletin*.

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

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least August 31, 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 November 29, 2001, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (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, Occupational and
Professional Licensing
R156-1-308c
Renewal of Licensure Procedures

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 23909
FILED: 07/16/2001, 13:42
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to change the number of days that the Division mails a renewal notice to a licensee to conform with existing practices.

SUMMARY OF THE RULE OR CHANGE: In Section R156-1-308c, the number of days the Division shall mail a renewal notice to each licensee is being changed from 90 days to 60 days prior to the expiration date shown on the licensee's license.

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 a minimal cost of less than \$50 to reprint the rule once this proposed amendment is made effective. Any cost incurred will be absorbed in the Division's current budget.

❖ **LOCAL GOVERNMENTS:** Proposed amendment does not apply to local governments.

❖ **OTHER PERSONS:** Since only the date when a renewal notice is mailed to a licensee is changing and the renewal process is not be changing, the Division anticipates there will be no costs or savings to the individual licensee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since only the date when a renewal notice is mailed to a licensee is changing, the Division anticipates there will be no costs or savings to the individual licensee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed rule changes the time when the Division will send out renewal notices to licensees, notifying them that they must renew their license before they expire. Since this rule involves a change in timing and not in expense, there will be no increased compliance costs for the licensees. There will not be any increased costs to licensees that will result from the proposed rule change or fiscal impact on businesses. The renewal process, except for a change in the timing of when notification will be given, will remain the same. Ted Boyer, Jr., Executive Director

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

Commerce
Occupational and Professional Licensing

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-1. General Rules of the Division of Occupational and Professional Licensing.
R156-1-308c. Renewal of Licensure Procedures.

The procedures for renewal of licensure shall be as follows:

(1) The division shall mail a renewal notice to each licensee at least [90]60 days prior to the expiration date shown on[~~of~~] the licensee's license.

(2) Renewal notices shall be sent by letter deposited in the post office with postage prepaid, addressed to the last address shown on the division's automated license system. Such mailing shall constitute legal notice. It shall be the duty and responsibility of each licensee to maintain a current address with the division.

(3) Renewal notices shall specify the renewal requirements and require that each licensee document or certify that the licensee meets the renewal requirements.

(4) Renewal notices shall specify a renewal application due date at least 30 days prior to the expiration date shown on the licensee's license in order to permit the renewal applications to be processed prior to the expiration of licensure in accordance with Subsection 58-1-308(4).

(5) Renewal notices shall advise each licensee that a license that is not renewed prior to the expiration date shown on the license automatically expires and that any continued practice without a license constitutes a criminal offense under Subsection 58-1-501(1)(a).

(6) Renewal notices shall further advise each licensee that if the licensee fails to return the renewal application to the division or its designee by the renewal application due date, the licensee's license may expire before it is renewed.

(7) Renewal notices shall specify the address or addresses to where the renewal applications should be submitted.

(8) When a renewal application contains multiple parts to be returned to separate addresses, the division shall facilitate proper submission by using, to the extent resources permit, color coded renewal applications with perforated sections and return envelopes.

(9) Licensees licensed during the last four months of a renewal cycle shall be licensed for a full renewal cycle plus the period of time remaining until the impending renewal date, rather than being required to immediately renew their license.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no aggregate impact on costs at all since the proposed rule or change is intended only to update the required hours of on-the-job experience for journeyman plumbers that will meet the parameters now existing in the industry. There will similarly be no compliance cost for affected persons. Again, the thrust of this rule change or proposal is to update the required hours of on-the-job experience in the Plumbers Licensing Rules to bring such experience up to the standards required by the industry as a whole or to delete requirements that are no longer used in the industry. Ted Boyer, Jr., Executive Director

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 ◆
Commerce, Occupational and Professional Licensing
R156-55c-302c
Qualification for Licensure - Training and Instruction Requirement

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

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23885
FILED: 07/09/2001, 14:07
RECEIVED BY: NL

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.

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to update required experience hours for journeyman plumbers to reflect the changes that have occurred in the industry since the hourly experience requirements were last updated.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Cottle at the above address, by phone at (801) 530-6375, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.ccottle@email.state.ut.us.

SUMMARY OF THE RULE OR CHANGE: In Section R156-55c-302, Table I, the approximate hours for use of hand tools, equipment and pipe machinery, and installation of piping for waste, soil, sewer vent, and leader lines have been increased to 200 and 2,250 respectively. The installation of sheet lead and solder work hours were deleted. Some of the activities still listed as required in the rule are no longer used in the industry and haven't been for years, such as the use of sheet lead. Other activities need a few more hours to provide sufficient training in their application.

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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101, and Subsections 58-1-106(1) and 58-1-202(1)

AUTHORIZED BY: J. Craig Jackson, Director

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The Division will incur minimal costs of less than \$50 to reprint the rule once these proposed changes are made effective. Any costs incurred will be absorbed in the Division's current budget.
- ❖LOCAL GOVERNMENTS: Proposed amendment does not apply to local governments.
- ❖OTHER PERSONS: The Division does not anticipate any additional costs or savings as a result of these proposed changes since the changes being made are already currently being used in the industry with respect to journeyman plumber training and instruction hours.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any additional costs or savings as a result of these proposed changes since the changes being made are already currently being used in the industry with respect to journeyman plumber training and instruction hours.

R156. Commerce, Occupational and Professional Licensing.
R156-55c. Construction Trades Licensing Act Plumber Licensing Rules.
R156-55c-302c. Qualification for Licensure - Training and Instruction Requirement.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the training and instruction requirements for licensure in Subsection 58-55-302(3)(a) and (b) are defined, clarified, or established as follows:

- (1) A journeyman plumber applicant shall demonstrate successful completion of:
 - (a) 8,000 hours of training and instruction, in not less than four years, while licensed as an apprentice plumber, completed in an apprenticeship program of training meeting the requirements of Section R156-55c-601, in the following experience areas and approximate number of hours as identified in Table I; or
 - (b) 16,000 hours of experience, in not less than eight years, as a plumber under the supervision of a journeyman plumber with a minimum number of hours of experience in each of the experience areas required under Subsection (1)(a).

TABLE I
Training and Instruction

Work Process	Approximate Hours
A. Use of hand tools, equipment and pipe machinery	[450]200
B. Installation of piping for waste, soil, sewer vent and leader lines	[2,200]2,250
C. Installation of hot and cold water for domestic purposes	1,600
D. Installation and setting of plumbing appliances and fixtures	1,600
E. Maintenance and repair of plumbing	800
F. General pipe work including process and industrial hours	800
G. [Installation of sheet lead and solder work]	50
H.]Gas piping or service piping	500
[+]L. Welding as it applies to the trade	100
[+]L. Service and maintenance of gas controls and equipment	200

(2) A residential journeyman plumber applicant shall demonstrate successful completion of:

(a) 6,000 hours of training and instruction, in not less than three years, while licensed as an apprentice plumber or residential apprentice plumber, completed an apprenticeship program of training meeting the requirements of Section R156-55c-601, in the following experience areas and approximate number of hours as identified in Table II; or

(b) 12,000 hours of experience, in not less than six years, in a maintenance or repair trade for which the applicant can document that not less than 75% of the work performed was directly involved in the plumbing trade including as a minimum the number of hours performing work in each of the experience areas required under Subsection (2)(a).

TABLE II
Training and Instruction

Work Process	Approximate Hours
A. Use of hand tools, equipment and pipe machinery	100
B. Installation of piping for waste, soil, sewer vent and leader lines	1,800
C. Installation of hot and cold water for domestic purposes	1,400
D. Installation and setting of plumbing appliances and fixtures	1,200
E. Maintenance and repair of plumbing	800

F. Gas piping or service piping	500
G. Service and maintenance of gas controls and equipment	200

(3) A residential journeyman plumber applying for a journeyman plumbers license must complete 2,000 hours of on the job training in industrial or commercial plumbing while licensed as an apprentice plumber and complete an approved fourth year course of classroom instruction.

KEY: occupational licensing, licensing, plumbers*, plumbing*
~~[April 30,] 2001~~ **58-1-106(1)**
Notice of Continuation February 10, 1997 **58-1-202(1)**
58-55-101



Environmental Quality, Air Quality **R307-110-12** Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 23918
 FILED: 07/16/2001, 16:59
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Replace use of 3.1% oxygenated gasoline with technician training as a contingency measure in the Carbon Monoxide State Implementation Plan for Provo (see related filing on R307-301-3 in this issue.)

(**DAR Note:** R307-301-3 is found under DAR No. 23919 in this issue of the *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: Section R307-110-12 incorporates by reference State Implementation Plan (SIP) Section IX, Part C, Carbon Monoxide. This amendment removes 3.1% oxygenated gasoline as a contingency measure in the SIP for Provo, and adds in its place the technician training program that Utah County conducts as part of its vehicle emissions inspection and maintenance program. The enhanced training program is described in SIP Section X, Part C. In the seven years since the Provo Carbon Monoxide SIP was written, newer vehicles have computer controls that are better at reducing emissions; thus, use of oxyfuel is less effective, and reductions in carbon monoxide emissions today are greater from use of 2.7% oxyfuel with the training program than they are from use of 3.1% oxyfuel without the training program.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan IX.C.6f(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change because the training program is already in place.

❖LOCAL GOVERNMENTS: No change--Utah County operates the vehicle emissions inspection and maintenance program, and implemented the enhanced training program last year. No other local governments are affected.

❖OTHER PERSONS: Removing 3.1% oxygenated gasoline as a contingency measure in the Provo carbon monoxide SIP reduces costs for refiners by about \$800,000 per year, and that saving at the refinery may result in savings up to \$0.02/gallon for Utah County consumers at the gas pump (see separate filing for Section R307-301-3 for details of the calculation.) Adding the enhanced technician training program to the Provo CO SIP will not increase costs to businesses or consumers because the training program has been in place for many years and has not changed the cost of the vehicle emissions inspection.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Removing 3.1% oxygenated gasoline as a contingency measure in the Provo carbon monoxide state implementation plan (SIP) reduces costs for refiners by about \$800,000 per year, and that saving at the refinery may result in savings up to \$0.02/gallon for Utah County consumers at the gas pump. (See separate filing for R307-301-3 in this issue for details of the calculation.) Adding the enhanced technician training program to the Provo CO SIP will not increase costs to businesses or consumers because the training program has been in place for many years and has not changed the cost of the vehicle emissions inspection.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Computer controls on newer cars has brought enough reductions in emissions that 3.1% oxygenated gasoline is no longer needed. Returning to 2.7% oxygenated gasoline saves money for the refiners. Dianne R. Nielson, Ph.D.

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@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 08/31/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/22/2001, 1:30 p.m., Room 1500, Utah County Offices, 100 East Center Street, Provo.

THIS RULE MAY BECOME EFFECTIVE ON: 09/06/2001

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on [~~January 7, 1998~~September 5, 2001], pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, small business assistance program*, particulate matter*, ozone
~~February 10, 2000~~2001
Notice of Continuation June 2, 1997

19-2-104(3)(e)



**Environmental Quality, Air Quality
R307-301-3
Average Oxygen Content Standard**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23919

FILED: 07/16/2001, 17:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Reduce the oxygen content of wintertime gasoline in Utah County from 3.1% to 2.7% (see related filing for R307-110-12 in this issue.)

(DAR Note: R307-110-12 can be found under DAR No. 23918 in this issue of the *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: Delete everything in Subsection R307-301-3(1) after "an average oxygen content of not less than 2.7% by weight." Under 42 U.S.C. 211(m)(1) of the federal Clean Air Act, oxygenated gasoline has been required in Utah County in the winter months since 1992 to reduce emissions of carbon monoxide. In 1995, the percentage oxygen was increased from 2.7% to 3.1% because actual vehicle miles traveled was greater than had been projected, and because Utah County did not complete improvements to its vehicle emissions inspection program on time. Current analysis indicates that the enhanced training program for vehicle emission system repair technicians that is conducted by the Utah County Environmental Health program reduces emissions more with 2.7% oxyfuel than the 3.1% oxyfuel program by itself. Therefore, this rule change reduces the required oxygen percentage to 2.7%. Utah

County has had no exceedances of the health standard since 1996.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)
FEDERAL REQUIREMENT FOR THIS RULE: 42 U.S.C. 211(m)(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change--Oversight costs to test the oxygenate percentage in the fuel are the same for either percentage of oxygenate.

❖LOCAL GOVERNMENTS: No change--Utah County operates the vehicle emissions inspection and maintenance program, but does not oversee the percentage of oxygenate in the gasoline. No other local governments are affected.

❖OTHER PERSONS: Affected persons include the petroleum refineries that add oxygenate to the gasoline, the service stations in Utah County that market gasoline to the public, and vehicle owners who purchase gasoline in Utah County. For refiners, the rule change will provide savings of approximately \$800,000 per year. (Approximately 8,000 gallons of gasoline are sold each day in Utah County. For the 120-day oxyfuel season, refiners will no longer need to buy approximately 12,000 barrels of ethanol @ approximately \$65/barrel.) This should provide some savings to service stations as well, though a great many factors influence the wholesale price. For the consumer, the maximum savings would be \$0.02/gallon: 100 barrels ethanol/day = \$6,500 saved/day by refiners. Consumers buy daily about 8,000 X 42 gallons/barrel = 336,000 gallons. \$6,500/336,000 = \$0.019/gallon. This will fluctuate because the price of oil and ethanol vary, and because the cost of refining the oil and transporting the gasoline must be included.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons include the petroleum refineries that add oxygenate to the gasoline, the service stations in Utah County that market gasoline to the public, and vehicle owners who purchase gasoline in Utah County. For refiners, the rule change will provide savings of approximately \$800,000 per year. (Approximately 8,000 gallons of gasoline are sold each day in Utah County. For the 120-day oxyfuel season, refiners will no longer need to buy approximately 12,000 barrels of ethanol @approximately \$65/barrel.) This should provide some savings to service stations as well, though a great many factors influence the wholesale price. For the consumer, the maximum savings would be \$0.02/gallon: 100 barrels ethanol/day = \$6,500 saved/day by refiners. Consumers buy daily about 8,000 X 42 gallons/barrel = 336,000 gallons. \$6,500/336,000 = \$0.019/gallon. This will fluctuate because the price of oil and ethanol vary, and because the cost of refining the oil and transporting the gasoline must be included.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Reducing the oxygen content will provide small savings to the refiners, the gasoline retailers, and Utah County gasoline consumers. Dianne R. Nielson, Ph.D.

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@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 08/31/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/22/2001, 1:30 p.m., Room 1500, Utah County Offices, 100 East Center Street, Provo.

THIS RULE MAY BECOME EFFECTIVE ON: 09/06/2001

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-301. Utah and Weber Counties: Oxygenated Gasoline Program.

R307-301-2. Applicability and Control Period Start Dates.

(1) Unless waived under authority of 42 U.S.C. 7545(m)(3) by the Administrator of the Environmental Protection Agency, R307-301 is applicable in Utah and Weber Counties.

(2) The first control period for areas for which R307-301 is applicable begins:

(a) November 1, 1992, for the entire Provo-Orem Metropolitan Statistical Area which includes all of Utah County; and

(b) November 1 following the trigger date for Weber County.

R307-301-3. Average Oxygen Content Standard.

(1) All gasoline sold or dispensed during the control period, for use in each control area, by each CAR or blender CAR as defined in R307-301-1, shall be blended for each averaging period to contain an average oxygen content of not less than 2.7% oxygen by weight, ~~except that:~~

~~— (a) if the Board determines that the 2.7% oxygen by weight requirement will prevent or interfere with attainment of the PM₁₀ National Ambient Air Quality Standards and the State requests and is granted a waiver from the Administrator of the Environmental Protection Agency under 42 U.S.C. 7545, the waiver amount granted by the Administrator of the Environmental Protection Agency, shall apply;~~

~~— (b) if the enhanced inspection and maintenance program specified in Section IX, Part C.6.j(2)(b) of the state implementation plan is not implemented by January 1, 1996 (or if an equivalent automotive improvement program is not implemented that results~~

in emissions factors equal to or less than the emission factors in Table IX.C.23 of the state implementation plan), all gasoline sold or dispensed during the control period beginning November 1, 1996, and subsequent control periods, for use in the Provo-Orem MSA, by each CAR or blender CAR as defined in R307-301-1, shall be blended to contain an average oxygen content of not less than 3.1% by weight until the next full control period following one year after the implementation of an enhanced inspection and maintenance program with mobile source emission factors equal to or less than every emission factor in the matrix in Table IX.C.23 of the state implementation plan and the enhanced inspection and maintenance performance standards of 40 CFR 51.351 or until the next full control period following implementation of a program that would result in emission factors equal to or less than the mobile source emission factors in the matrix contained in Table IX.C.23 of the state implementation plan;

(c) if triggered as a contingency measure, as specified in Section IX, Part C.6.f of the state implementation plan, all gasoline sold or dispensed during the control period for use in the Provo-Orem MSA, by each CAR or blender CAR as defined in R307-301-1, shall be blended to contain an average oxygen content of not less than 3.1% by weight until it is shown to be unnecessary in the maintenance demonstration required by the Clean Air Act or until it is replaced with other control measures in a state implementation plan revision that demonstrates attainment of the National Ambient Air Quality Standard].

(2) The averaging period over which all gasoline sold or dispensed in the control area is to be averaged shall be equal to the control period.

(3) All gasoline, both leaded and unleaded, shall be blended in compliance with 40 CFR Part 79 (1991) - Registration of Fuels and Fuel Additives and 40 CFR Part 80 (1991) - Regulation of Fuels and Fuel Additives.

(4) Any gasoline blended under 42 U.S.C. 7545(f)(1) dealing with substantially similar fuels must be blended in compliance with the criteria specified in the substantially similar ruling. Any extra volume of oxygenate or oxygenates added to gasoline blended under a substantially similar ruling as provided for under 42 U.S.C. 7545(f)(1) in excess of the criteria specified in 42 U.S.C. 7545(f)(1) may not be included in the compliance calculations specified in R307-301-5(2) and (3).

(5) Any gasoline blended under a waiver granted by the Environmental Protection Agency under the provisions of 42 U.S.C. 7545(f)(4) must be blended in compliance with the criteria specified in the appropriate waiver. Gasoline blends waived to oxygen content above 2.7% oxygen by weight are not permitted a blending allowance for blending tolerance purposes. Any extra volume of oxygenate in excess of the criteria specified in the appropriate waiver may not be included in the compliance calculations specified in R307-301-5(2) or (3).

(6) Oxygen content shall be determined in accordance with R307-301-4.

KEY: air pollution control, motor vehicles, gasoline, petroleum
[September 15, 1998]2001 19-2-101
Notice of Continuation June 9, 1997 19-2-104



Environmental Quality , Radiation Control **R313-26** Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23905

FILED: 07/13/2001, 14:29

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Implements public requests from the public comment for the new rule.

(DAR Note: The proposed new rule for R313-26 was published in the May 1, 2001, issue of the *Utah State Bulletin* under DAR No. 23669 and was effective June 8, 2001.)

SUMMARY OF THE RULE OR CHANGE: Changes are made for clarification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-106.4

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This is an amendment, and there are no additional costs. The changes are just clarifications.

❖ **LOCAL GOVERNMENTS:** This is an amendment, and there are no additional costs. The changes are just clarifications.

❖ **OTHER PERSONS:** This is an amendment, and there are no additional costs. The changes are just clarifications.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no changes to the compliance costs. The changes are just clarifications.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact on Utah businesses as all fees are paid by permittees outside the State of Utah.

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

Environmental Quality
Radiation Control
State of Utah Office Park, Bldg. 2
168 North 1950 West
PO Box 144850
Salt Lake City, UT 84114-4850, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Edith Barker at the above address, by phone at (801) 536-0077, by FAX at (801) 533-4097, or by Internet E-mail at ebarker@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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: William J. Sinclair, Executive Secretary

R313. Environmental Quality, Radiation Control.
R313-26. Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities.

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R313-26-3. Generator Site Access Permits.

A generator or broker shall obtain a Generator Site Access Permit from the Executive Secretary before transferring radioactive waste to a land disposal facility in Utah.

(1) Generator Site Access Permit applications shall be filed on a form prescribed by the Executive Secretary.

(2) Applications shall be received by the Executive Secretary at least 30 days prior to any shipments being delivered to a land disposal facility in Utah.

(3) Each Generator Site Access Permit application shall include a certification to the Executive Secretary that the shipper shall comply with all applicable State or Federal laws, administrative rules and regulations, licenses, or license conditions of the land disposal facility regarding the packaging, transportation, storage, disposal and delivery of radioactive wastes.

(4) Generator Site Access Permit fees shall be assessed annually by the Executive Secretary based on the following classifications:

(a) Generators shipping more than 1000 cubic feet of radioactive waste annually to a land disposal facility in Utah.

(b) Generators shipping ~~less than~~ 1000 cubic feet or less of radioactive waste annually to a land disposal facility in Utah.

(c) Brokers shipping radioactive waste to a land disposal facility in Utah.

(5) Generator Site Access Permits shall be valid for a maximum of one year from the date of issuance. The Executive Secretary may modify individual Generator Site Access Permit terms and prorate the annual fees accordingly for administrative purposes.

(6) Generator Site Access Permits may be renewed by filing a new application with the Executive Secretary. To ensure timely renewal, generators and brokers shall submit applications, for Generator Site Access Permit renewal, a minimum of 30 days prior to the expiration date of their Generator Site Access Permit.

(7) Generator Site Access Permit fees are not refundable.

(8) ~~Transfer of a~~ Generator Site Access Permit ~~s are not transferable~~ shall be approved by the Executive Secretary.

(9) The number of Generator Site Access Permits required by each generator shall be determined by the following requirements:

(a) Generators who own multiple facilities within the same state may apply for one Generator Site Access Permit, provided the same contact person within the generator's company shall be responsible for responding to the Executive Secretary for matters pertaining to the waste shipments.

(b) Facilities which are owned by the same generator and located in different states shall obtain separate Generator Site Access Permits.

(c) Persons who both generate and broker wastes shall obtain separate Generator Site Access Permits.

R313-26-4. Shipper's Requirements.

(1) The shipper shall provide the Executive Secretary a copy of the Nuclear Regulatory Commission's "Uniform Low Level Radioactive Waste Manifest" for shipments consigned for disposal within Utah.

(2) The manifest shall be delivered to the Executive Secretary prior to the shipment arriving at the disposal site, but not ~~less than 72 hours prior to shipment departure nor~~ more than thirty days prior to shipment departure.

(3) The generator's and broker's Generator Site Access Permit numbers shall be documented on the manifest.

(4) Generators and brokers shall ensure that all Generator Site Access Permits are current prior to shipment of waste to a land disposal facility located in the state, and that the waste will arrive at the land disposal facility prior to the expiration date of the Generator Site Access Permits.

(5) A broker shall ensure all radioactive waste contained within a shipment accepted for disposal at a land disposal facility in the state is traceable to the original generators and states, regardless of whether the waste is shipped directly from the point of generation to the disposal facility, or shipped through a broker.

R313-26-5. Land Disposal Facility Licensee Requirements.

The land disposal facility licensee shall ensure that generators and brokers have a current, unencumbered Generator Site Access Permit prior to ~~receiving~~ accepting a generator's or broker's waste.

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KEY: radioactive waste generator permit
~~[June 8,]2001~~

19-3-106.4



Human Services, Child and Family Services

R512-75

Rules Governing Adjudication of Consumer Complaints

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23884

FILED: 07/09/2001, 10:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE:
Streamline process for addressing consumer complaints.

SUMMARY OF THE RULE OR CHANGE: The rule provides for a simplified process and more methods for resolving consumer complaints.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 62A-4a-102(4)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Rule change will not affect current expenditures. The changes to the rule affect the procedure for dealing with consumer complaints, no additional staff are needed and no other expenditures will be needed to implement the procedures.

❖LOCAL GOVERNMENTS: After careful review, this rule will not affect local governments.

❖OTHER PERSONS: No other persons will be affected by this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs associated with this rule. Consumers may represent themselves through this process, however if a consumer elected to hire an attorney to assist them they would incur attorney's fees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on businesses.

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

Human Services
Child and Family Services
Room 225,
Human Services Administration Building
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or by Internet E-mail at sbradford@hs.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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Richard Anderson, Director

R512. Human Services, Child and Family Services.

R512-75. Rules Governing Adjudication of Consumer Complaints.

R512-75-1. Introductory Provisions.

(1) Authority and Purpose.

(a) This rule defines consumer complaint procedures in accordance with Subsection 62A-4a-102(4). These procedures are intended to provide for the prompt and equitable resolution of a consumer complaint filed in accordance with this rule.

(2) Definitions.

(a) The definitions contained in Section 63-46b-2 apply. In addition, the following terms are defined for the purposes of this section:

(i) "Absorbable within the Division's appropriation authority" means those expenditures that fall within the Division's budgetary parameters.

(ii) "Panel Action" means all actions by the Consumer Hearing Panel that determine the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including all panel actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license, and, judicial review of these actions.

(iii) "Aggrieved Person" means any person who is alleged to have been adversely affected by an act or omission of the Division or its employees.

(iv) "Consumer Hearing Panel" or "Panel" means those persons appointed by the Board of Child and Family Services to adjudicate consumer complaints in accordance with Section 62A-4a-102.

(v) The "Department" means the Department of Human Services.

(vi) The "Director" means the Director of the Division.

(vii) The "Division" means the Division of Child and Family Services of the Department of Human Services, including its regional offices.

(viii) "Office of the Child Protection Ombudsman" means the office, separate from the Division of Child and Family Services, designated by the Department to investigate a consumer complaint regarding the Division of Child and Family Services.

(ix) "Ombudsman" means the representative from the Office of the Child Protection Ombudsman designated to investigate a consumer complaint.

(x) "Reasonable time" means the time specified in the action plan.

R512-75-2. Procedures for Filing an Initial Informal Non-adjudicative Complaint With the Division.

(1) An aggrieved person shall first make a reasonable attempt to resolve a complaint with a caseworker and the caseworker's supervisor. If resolution is not reached, a complaint may be filed with the regional office.

(2) If there is a filing of an initial complaint with a Regional Office:

(a) The complainant or aggrieved person shall ~~file~~ make a ~~written~~ complaint no later than 180 days from the date of the alleged circumstances giving rise to the complaint. Written complaints are preferred but a complaint may be made in any form.

(b) Each complaint shall:

(i) include the aggrieved person's name, address, and phone number, and the names and addresses of all persons to whom a copy of the complaint shall be sent;

(ii) describe the Division's alleged act or omission in sufficient detail to inform the Division of the nature and date of the alleged event.

(iii) describe the action desired; and[

~~(iv) be signed by the aggrieved person or by his or her legal representative;]~~

(c) The complaint shall be ~~mailed~~ provided to the ~~parties~~ DCFS Regional staff named in the complaint and filed with a regional office of the Division. The ~~party~~ DCFS staff named in the complaint shall have ten working days from the date of the filing of the complaint to submit a ~~written~~ response to the complaint.

(3) Investigation of the Complaint by the Regional Office.

(a) Complaints received by the Division's Constituent Services Office will be forwarded to [F]the regional office or appropriate DCFS staff to address the complaint. The regional office or state specialist will contact the complainant and address the complaint. The DCFS regional office or DCFS staff shall conduct an investigation of each complaint received, and, at the discretion of the regional director, may hold meetings of the concerned parties. The review [investigation] shall be conducted to the extent necessary to assure that all relevant facts are determined and documented. Minutes and/or tape recordings shall be taken at the meetings. If the complaint is resolved no further action is necessary.

(b) Within 20 ~~working~~ calendar days of receiving the complaint, the regional office or DCFS staff shall issue a written decision to the Division's Constituent Services Office, setting forth its [resolution]action plan to address [of]the complaint.

(c) ~~[A]If a complaint filed with a regional office [and]is not [resolved within 20 working days]adequately addressed, the complaint shall be forwarded to the Division's Constituent Services Office. [Office of the Child Protection Ombudsman for resolution. The aggrieved person shall be immediately notified in writing that the complaint is being forwarded to the Office of the Child Protection Ombudsman for resolution.]~~

A complaint filed with the Division's Constituent Services Office that is not resolved within a reasonable amount of time shall be forwarded to the Office of the Child Protection Ombudsman. DCFS shall immediately notify the aggrieved person in writing that the complaint is being forwarded to the Office of Child Protection Ombudsman. The Division will forward copies of all correspondence regarding the steps taken by the Division to address the complaint to the Office of Child Protection Ombudsman.

R512-75-3. Procedures for Filing an Informal Non-adjudicative Complaint With the Office of the Child Protection Ombudsman.

(1) An aggrieved person may file a complaint [appeal] to [a] decision rendered by a regional office to the Office of the Child Protection Ombudsman, or if the Division is unable to resolve the complaint, it shall be forwarded to the Office of Child Protection Ombudsman. If the complaining party is not satisfied with the response they may file a complaint with the Consumer Hearing Panel.

(2) A complaint to the Office of the Child Protection Ombudsman ~~[(OCPO)]~~ shall be submitted in writing on a form provided by the Office of the Child Protection Ombudsman [OCPO].

(3) If a consumer complaint indicates an immediate threat to the safety of a child, the Office of the Child Protection Ombudsman shall facilitate an immediate referral to Child Protective Services.

(4) If a consumer complaint indicates no immediate risk to the child, and if there has been no attempt to resolve the problem with the caseworker or the regional director, the complaint shall be referred back to the Division.

R512-75-4. Compliance with and Appeal of Recommendations of the Office of the Child Protection Ombudsman.

(1) The Division has ten days for the first response to OCPO [DCFS Compliance with the Recommendations of the Office of the Child Protection Ombudsman.

~~—The Division shall have 60 calendar days to implement the recommendations of the Office of the Child Protection Ombudsman and provide documentation of compliance, or file an appeal. If an appeal is filed, the aggrieved person shall be notified in writing.]~~

(2) Appeal by the Division.

The Division may file an appeal to the recommendations of the Office of the Child Protection Ombudsman within 10 calendar days of receipt of the recommendations from the Office of Child Protection Ombudsman. The appeal shall be filed with [to] the Department Executive Director [or Department Director]. [A decision shall be made within 60 days.] If the Department Executive Director [or Department Director overturns]amends a recommendation [for Division action] made by the Office of the Child Protection Ombudsman, the Ombudsman may forward the case to the [the case shall automatically be forwarded by the Division Director to the] Consumer Hearing Panel for review. The Office of Child Protection Ombudsman shall notify the aggrieved person [shall be notified] in writing of the decision [and of the automatic appeal to the Panel].

(3) DCFS Compliance with the Recommendations of the Office of the Child Protection Ombudsman.

The Division shall have 30 calendar days to provide a status report of the complaint to the Office of Child Protection Ombudsman. The status report shall state the actions taken by the Division to implement the recommendations and shall include an anticipated date of completion.

R512-75-5. Filing of a Consumer Complaint with the Panel without a Decision by the Office of the Child Protection Ombudsman.

(1) A consumer complaint received by the Consumer Hearing Panel that [which] was not previously filed with the Office of the Child Protection Ombudsman shall be forwarded to the Ombudsman for investigation.

(2) The Office of the Child Protection Ombudsman may forward a consumer complaint to the Consumer Hearing Panel for resolution without having reached a decision on the complaint.

(3) A complaint filed with the Ombudsman [which]that is not resolved [within 30 working days]within a reasonable amount of time, depending on the complexity of the complaint, from the date of the filing shall be forwarded to the Consumer Hearing Panel. The Office of Child Protection Ombudsman shall notify the aggrieved person in writing of the reason for the delay and the additional time needed to reach a decision.

(4) A complaint forwarded to the Consumer Hearing Panel without a decision by the Ombudsman shall be reviewed in the same manner as an appeal of an Ombudsman decision received directly from an aggrieved person.

R512-75-6. Request for Panel Action and Appeal of an Ombudsman Decision to the Consumer Hearing Panel.

(1) Filing of an Appeal to the Consumer Hearing Panel.

(a) The aggrieved person may ~~file the complaint with~~ ~~the decision of the Ombudsman to the~~ Consumer Hearing Panel by filing a request for panel action within 15 working days from receipt of the decision.

(b) The request shall be filed or documented in writing to the Consumer Hearing Panel. Information specified in R512-70-4(2) shall be included in the request. A form provided by the Division as described in R512-70-4(3) may be used, but shall not be mandatory as long as all required information is included.

(c) The filing of a request shall be an authorization by the aggrieved person for the Consumer Hearing Panel to review all information permitted by law, including information classified as private or controlled.

(d) The request shall describe in sufficient detail why the Ombudsman's decision is in error, is incomplete or ambiguous, is not supported by the evidence, or is otherwise improper.

(e) An allegation specified in the ~~appeal~~ complaint to the Panel may be amended by the aggrieved person or other complainant no less than 20 days prior to commencement of the hearing. The Consumer Hearing Panel shall request a response to the amended allegation from the regional office of the Division. The Division shall have ten days to submit a response to the Panel. Amendments made during or after a hearing may be made only with the permission of the Consumer Hearing Panel. The Panel shall permit liberal amendment of requests for panel action and filing of supplemental requests for panel action.

(f) An amendment or a supplemental request for panel action shall be filed in the same manner as an original request for panel action.

(g) A request for panel action or a supplemental request for panel action may be withdrawn by the aggrieved person prior to the issuance of a final order.

(h) The mailing specified in Subsection 63-46b-3(3) shall be performed by the Consumer Hearing Panel. In doing so, the panel shall assume that, pursuant to Subsection 63-46b-3(3)(b), the aggrieved person and the Division regional office are those having a "direct-interest" in the requested panel action. ~~Others having a "direct-interest" shall be expected to participate according to their own initiative.~~

(2) Investigation and Rendering of a Decision by the Consumer Hearing Panel.

(a) On an appeal from the Ombudsman, the Consumer Hearing Panel shall review the factual findings of the investigation and the aggrieved person's statement regarding the inappropriateness of the Ombudsman's decision and arrive at an independent conclusion and recommendation. Additional investigations may be conducted, if necessary, to clarify questions of fact before making any decision not absorbable within the Division's appropriation authority.

(b) The Consumer Hearing Panel shall issue a written decision within 20 working days after receiving the appeal or concluding the hearing process.

(c) If the Consumer Hearing Panel is unable to reach a decision within 20 working days, the aggrieved person shall be notified in writing of the reason for the delay and the additional time needed to reach a decision.

(3) Classification of Proceeding for Purpose of Utah Administrative Procedures Act.

(a) Any meetings, hearings, or conference proceedings held by the Panel shall be considered adjudicative proceedings and shall be informal in accordance with Sections 63-46b-4 and 63-46b-5.

(4) Availability of Hearings Before the Panel.

(a) A hearing shall be held if the aggrieved person requests a hearing within the time frame specified in R512-75-6(1)(a).

(5) Hearing before the Panel.

(a) A hearing shall be held only after notice to all parties at least five working days in advance.

(b) ~~Discovery is prohibited, but t~~ The Panel may issue subpoenas or other orders to compel production of necessary evidence and the appearance of witnesses.

(c) All parties shall have access to information contained in the Division's files and to all materials and information gathered in any investigation, to the extent permitted by GRAMA ~~law~~.

(d) All hearings shall be open to the parties.

(e) Within a reasonable time after the close of an informal adjudicative proceeding, the Consumer Hearing Panel shall issue a signed order in writing that states its:

(i) findings of fact;

(ii) conclusions;

(iii) decision;

(iv) a notice of any right of administrative or judicial review available to the parties; and

(v) the time limits for filing a petition for judicial review.

(f) The Panel's order shall formulate its factual findings based on the evidence before the Panel.

(g) The Panel shall have authority to ~~amend~~ add to a client record in accordance with Section 63-2-603 of the Government Records Management Act (GRAMA).

(h) A copy of the Consumer Hearing Panel's order shall be promptly mailed to each of the parties.

(i) The Panel ~~may~~ shall record ~~any~~ all hearings.

(j) Any party, at his own expense, may have a reporter approved by the Panel prepare a transcript from the Panel's record of the hearing.

(6) Classification of Records.

(a) The record of each complaint filed with the Division and each appeal to the Consumer Hearing Panel, and all written records produced or received as part of such proceedings, shall be classified as protected as defined under Section 63-2-304 until the Ombudsman or Consumer Hearing Panel issues the decision, at which time any portions of the records which pertain to an individual's medical condition shall be classified as controlled as defined under Section 63-2-303. All other information gathered as part of the complaint record shall be classified as private information. The Panel may release reports of Panel findings and decisions in a format suitable for public release that does not identify specific individuals and does not include controlled, protected, or private information.

(7) Agency Review.

(a) Agency review shall not be allowed. Nothing contained in this rule prohibits a party from filing a petition for reconsideration pursuant to Section 63-46b-13.

R512-75-7. Compliance with Recommendations of the Consumer Hearing Panel.

The Division shall have no longer than 60 calendar days to implement the recommendations of the Consumer Hearing Panel

and provide documentation of compliance. Failure to do so may result in an order to the Division to show cause why the Division should not be held in contempt for failing to comply with the recommendations of the Panel. If the Division cannot implement the recommendations within 60 days a status report and implementation plan must be submitted to the panel before the expiration 60 days.

R512-75-8. Judicial Review of a Decision by the Consumer Hearing Panel.

(1) An aggrieved person may seek judicial review of a Panel decision in accordance with Section 63-46b-14.

R512-75-9. Scope and Applicability.

(a) The provisions of this section supersede the provisions of other Division rules which conflict.

KEY: consumer hearing panel*, grievance procedures
October 1, 1997 **62A-4a-102**
Notice of Continuation November 14, 2000 **63-2-303**
63-2-304
63-2-603
63-46b



Insurance, Administration
R590-153
 Unfair Inducements and Marketing
 Practices in Obtaining Title Insurance
 Business

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23915
 FILED: 07/16/2001, 14:26
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed to address concerns voiced by the title industry.

SUMMARY OF THE RULE OR CHANGE: The following are changes that are being made to the rule, plus grammatical and consistency changes. The change in Section R590-153-2 further clarifies the types of financial activities insurers and their agents are to be involved in. The rule defines "concurrent closing" and limits its use. The definition of "Business meals" and "business activities" is being clarified. The rule now includes escrow companies and exchange companies as producers. The rule changes the requirement for "cancellation fees." The rule adds the requirement to have a bona fide transaction prior to issuing a commitment. The rule now addresses the procedure for making charitable

donations. Increasing the expense limit for self-promotional items from \$3 to \$10.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-23-302

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None of the changes in the rule will require insurers to file rate or form filings with the Insurance Department that would cost insurers \$20 a filing and go into the general fund, or require additional staff for the department handle.

❖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 increased expense limit is optional to the title industry and will not affect rates to the consumer. The instance of the use of the concurrent closing rate will be limited because of the definition of this rate in the rule which affects when the 40% discount can be used. In some cases this will affect the consumer and in others it will affect the title company. The change in the cancellation fee requirement should have little affect on the industry because the fee will be optional.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The increased expense limit is optional to the title industry and will not affect rates to the consumer. The instance of the use of the concurrent closing rate will be limited because of the definition of this rate in the rule which affects when the 40% discount can be used. In some cases this will affect the consumer and in others it will affect the title company. The change in the cancellation fee requirement should have little affect on the industry because the fee will be optional.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in the rule have the potential of increasing marketing costs for the title industry as well as increasing costs for title products. There appears to be no potential to reduce title costs.

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 08/31/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/23/2001, 10:00 a.m., Room 1112, State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/04/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-153. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.

R590-153-1. Authority.

This rule is promulgated pursuant to Section 31A-2-201(3)(a), in which the ~~[Commissioner]~~commissioner is empowered to make rules to implement the Insurance Code, and pursuant to the specific authority of Section 31A-23-302(8), which authorizes the ~~[Commissioner]~~commissioner to define unfair methods of competition or any other unfair or deceptive act or practice in the business of insurance.

R590-153-2. Purpose.

The purpose of this rule is to identify certain practices which the commissioner finds provide unfair inducements for the placement of title insurance business and as such constitute unfair methods of competition. These practices include the payment of expenses that are considered normal, customary, reasonable and recurring in the operation of a producer of title insurance business.

R590-153-3. Scope.

This ~~[Rule]~~rule applies to all title insurers, title insurance agencies and title insurance agents and all employees, representatives and any other party working for or on behalf of said entities whether as a full time or part time employee or as an independent contractor.

R590-153-4. Definitions.

For the purpose of this ~~[Rule]~~rule the commissioner adopts the definitions as set forth in Section 31A-1-301, and the following:

A. "Producer of title business" means any person engaged in a business, profession or occupation of:

- (1) buying or selling interests in real property; or
- (2) making loans secured by interests in real property; and
- (3) shall include but not be limited to real estate agents, real estate brokers, mortgage brokers, lending or financial institutions, builders, developers, sub-dividers, attorneys, consumers, exchange companies, escrow companies and the employees, agents, representatives, ~~[or]~~ solicitors and groups or associations of any of the foregoing.

B. "Discount" means the furnishing or offering to furnish title insurance, services constituting the business of title insurance or escrow services for a total charge less than the amounts set forth in the applicable rate schedules filed pursuant to Section 31A-19a-203 or 31A-19a-209.

C. "Trade Association" means a recognized association of persons, a majority of whom are producers of title insurance business or persons whose primary activity involves real property.

D. "Business meals" shall include ~~drinks and tips~~, but not be limited to, breakfast, brunch, lunch, dinner, and cocktails. In no case shall such business meals rise to the level of ceremonies, for example, awards banquets or top producers recognition events, or similar activities sponsored by or for producers of title insurance business.

E. "Business activities" shall include sporting events, sporting activities, music and art events. In no case shall such business activities rise to the level of ceremonies, for example, awards banquets, top producers recognition events, or similar activities sponsored by or for producers of title insurance business, or include travel by air, or other commercial transportation.

~~[E]~~F. "Official Trade Association Publication" means exclusively:

(1) a membership directory, provided its exclusive purpose is that of providing the distribution of an annual roster of the association's members to the membership and other interested parties; or

(2) an annual, ~~[semi-annual]~~semiannual, quarterly or monthly publication containing information and topical material for the benefit of the members of the association.

G. "Concurrent Closing" refers to a single transaction in which both an Owner's Policy and a Lender's Policy are being issued insuring title to the same property.

R590-153-5. Unfair Methods of Competition, Acts and Practices.

The commissioner finds that providing or offering to provide any of the following benefits by parties identified in Section R590-153-3 to any producer of title insurance, either directly or indirectly, except as specifically allowed in Section R590-153-6 below, is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition in the business of title insurance prohibited under Section 31A-23-302:

A. The furnishing of a commitment to ~~provide title insurance without charge or at a charge discounted from an applicable rate filing. The prima facie cost of producing a commitment to insure shall be 60% of the minimum rate filed by the insurance company in the absence of a cost supported rate filing either higher or lower.~~ insure without a copy of a bona fide real estate loan agreement, exchange agreement, or sales agreement executed by the party or parties in interest relating to the property described in the report.

B. The paying of any charges for the cancellation of an existing title insurance commitment issued by a competing organization, unless that commitment discloses a defect which gives rise to a claim on an existing policy.

C. Furnishing escrow services pursuant to Section 31A-23-307, for a charge less than the charge filed pursuant to Section 31A-19a-209(5) or the filing of charges for escrow services with the commissioner which are less than the actual cost of providing the services.

D. Waiving all or any part of the filed rate, fee or charge for a specified title or closing and settlement service, or for a policy of title insurance.

E. Waiving all or any part of established fees or charges for services which are not the subject of rates filed with the ~~[Commissioner]~~commissioner.

~~[E]~~F. Deferring or waiving any payment for insurance or services otherwise due and payable, including "holding for resale[?]."

[F]G. Furnishing services not reasonably related to a bona fide title insurance or escrow, settlement, or closing transaction[~~Examples (non-exclusive):~~], including computer services, non-related delivery services, accounting assistance, or legal counseling.

[G]H. The paying for, furnishing, or waiving all or any part of the [~~rent~~]rental or lease charge for space which is occupied by any producer of title insurance business.

[H]I. Renting or leasing space from any producer of title insurance business, regardless of the purpose, at a rate which is excessive, or inadequate when compared with [~~rents~~]rental or lease charges for comparable space in the same geographic area[~~or paying rent~~]based [~~in whole or in part on the volume of business generated by any producer of title insurance business~~].

J. Furnishing any part of a title insurance agency's or insurer's facilities, for example, conference rooms or meeting rooms, to a producer of title insurance business or trade association without receiving a fair rental or lease charge comparable to other rental or lease charges for facilities in the same geographic area.

K.[F] Furnishing all or any part of the time or productive effort of any employee of the title insurance organization or insurer, [~~for example,~~] secretary, clerk, messenger, or escrow officer, [~~etc.~~] to any producer of title insurance business.

[F]L. Paying for all or any part of the salary of an employee of any producer of title insurance business.

[K]M. Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time engaged as a real estate agent or broker[~~or as a mortgage broker~~], a mortgage broker, a builder, a developer, a sub-divider, an exchange company, an escrow company, or an agent or party representing any of the foregoing.

[E]N. Paying for the fees or charges of a professional, for example, [~~for example,~~] an appraiser, surveyor, engineer, or attorney, [~~etc.~~] whose services are required by any producer of title insurance business to structure or complete a particular transaction.

[M]O. Sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food or otherwise providing anything of value for an activity, except as allowed under Subsection R590-153-6[~~(F)~~], of a producer of title insurance business. Activities include[~~but are not limited to:~~] "open houses" at homes or property for sale, meetings, breakfasts, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, gambling trips, sporting events of all kinds, hunting trips or outings, golf or ski tournaments, artistic performances and outings in recreation areas or entertainment areas.

[N]P. Sponsoring, subsidizing, supplying prizes or labor, except as allowed under Subsection R590-153-6[~~(E)~~], or otherwise providing things of value for promotional activities of producers or a group of producers of title insurance business. Title agents or insurers may attend activities of producers if there is no additional cost to the agent or insurer other than their own entry fees, registration fees, meals, etc., and provided that these fees are no greater than those charged to producers of title insurance business or others attending the function.

[O]Q. Providing gifts or anything of value to a producer of title insurance business in connection with social events such as birthdays, or job promotions, [~~etc.~~] except as provided in Subsection R590-153-6[~~(H)~~]. A letter or card in these instances will not be interpreted as providing a thing of value.

[P]R. Providing either directly or indirectly, a compensating balance or deposit in a lending institution either for the express or implied purpose of influencing the placement or channeling of title insurance business by such lending institution. This does not preclude transactions with lending institutions which are in the normal course of business.

[Q]~~Furnishing any part of a title agency's or insurer's facilities (e.g. conference rooms, meeting rooms, etc.) to a producer of title insurance business or trade association without receiving a fair rental charge comparable to other rental charges for facilities in the same geographic area.~~

[R]S. Furnishing information packets, listing kits, "farm" packages or any other form of title evidence without first filing a specimen form copy with the commissioner and specifying a rate for which the form is available. The rate may not be less than the actual cost of producing the information and the material furnished.

[S]T. Paying for any advertising on behalf of a producer of title insurance business.

[F]U. Advertising jointly with a producer of title insurance business on subdivision or condominium project signs, or signs for the sale of a lot or lots in a subdivision or units in a condominium project. A title insurance agency or company may advertise independently that it has provided title insurance for a particular subdivision, or a condominium project, [~~etc.~~] but may not indicate that all future title insurance will be written by that agency or through that company.

V. Donations to charitable organizations must be made by check made payable to the charitable organization and may not be made payable to any producer of title insurance.

W. Charging a simultaneous or concurrent issue rate for a lender's policy in connection with a concurrent closing, when another title insurer or agent is issuing the owner's policy.

X[O]. A direct or indirect benefit provided to a producer of title insurance, which is not specified in Section R590-153-6 below, will be investigated by the [~~insurance department~~]Insurance Department for the purpose of determining whether it should be defined by the commissioner as an unfair inducement under Section 31A-23-302(8).

R590-153-6. Permitted Advertising and Business Entertainment.

A. A title insurance agency, agent or insurer may furnish, without charge, a copy of any existing plat map, and tax information covering a specific parcel of real estate, for example, [~~Fax~~]tax identification number, assessed owner, assessed value of land and improvements, [~~and~~]or the latest tax amount[~~y~~], without additions or addenda or attachments which may be construed as reaching conclusions of the agency, insurer or agent regarding matters of marketable ownership or encumbrances.

B. Advertisements by title insurance agencies or companies must comply with the following:

(1) The advertisement must be purely self-promotional.

(2) Advertisements may not be placed in a publication, including an [~~internet~~]Internet web page and its links, that is hosted, published, produced for, distributed by or on behalf of a producer or group of producers of title insurance business except as allowed under R590-153-6 (B)(3).

(3) Advertisements in official trade association publications are permissible as long as any agency or title insurer has an equal

opportunity to advertise in the publication and at the standard rates other advertisers in the publication are charged.

C. A title insurance agency, insurer or agent may donate time to serve on a trade association committee and may also serve as an officer for the trade association.

D. A title agency or insurer may have two self-promotional open houses per calendar year for each of its owned or occupied facilities, [~~f~~including branch offices~~g~~], for example [~~e.g.~~ a Christmas party, an open house for remodeling of its facility, or an open house for a new facility for the organization~~g~~]. The agency or insurer may not expend more than \$10~~[-00]~~ per guest per open house. The open house may take place on or off the agency's or insurer's premises but may not take place on the producer's premises.

E. A title insurance agency or insurer may distribute self-promotional items having a value of [~~\$3~~]\$10 or less to producers of title insurance business, consumers and members of the general public. These self-promotional items shall be novelty gifts which are nonedible and may not be personalized or bear the name of the donee. Self-promotional items may only be distributed in the regular course of business. Self-promotional items may not be given to producers of title insurance business or trade associations for redistribution by these entities.

F. A title insurance agency or insurer may make expenditures for business meals or business activities on behalf of any person, whether a producer of title insurance or not as a method of advertising if the expenditure meets all the following criteria:

(1) The agent representing the title agency or an employee of the insurer must be present during the business meal or business activity.

(2) There is a substantial title insurance business discussion directly before, during or after the business meal or business activity.

(3) The total cost of the business meal, [~~and~~] the business activity, or both, is not more than \$75~~[-00]~~ per person, per day.

(4) No more than three individuals from an office of a producer of title insurance business may be provided a business meal or business activity by an agency or insurer in a single day.

(5) The entire business meal or business activity may take place on or off the agency's or insurer's premises, but may not take place on the producer's premises.

G. A title insurance agency or insurer may conduct educational programs under the following conditions:

(1) The educational program shall address only ethics, title insurance, escrow or topics directly related thereto.

(2) The educational program must be of at least one hour in duration.

(3) For each hour of education \$10 or less per person may be expended, including the cost of meals and refreshments.

(4) No more than one such educational program may be conducted at the office of a producer of title insurance business per calendar quarter.

H. A title agency or insurer may acknowledge a wedding, birth or adoption of a child, or funeral of a producer of title insurance business or members of his/her immediate family with flowers or gifts not to exceed \$50~~[-00]~~.

I. Any other advertising and/or business entertainment must be requested in writing and approved in advance and in writing by the commissioner.

R590-153-7. Penalties.

Subject to the provisions of the Utah Administrative Procedures Act, violators of this rule shall be subject to forfeitures, suspension or revocation of their insurance license or Certificate of Authority, and~~for~~ any other penalties or measures as are determined by the commissioner in accordance with law.

R590-153-8. 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 30 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.

R590-153-~~8~~9. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance

~~April 11, 2000~~**2001**

Notice of Continuation December 15, 1997

31A-2-201

31A-23-302



Insurance, Administration
R590-186
Bail Bond Surety Business

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23917

FILED: 07/16/2001, 14:30

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to define "members of their immediate families" as referred to in Subsection 31A-35-701(5).

SUMMARY OF THE RULE OR CHANGE: Rule defines "members of their immediate families" in Section R590-186-11.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-35-104, 31A-35-301, 31A-35-401, and 31A-35-405

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The change to the rule will not impact the insurance department. No rate and form filings will be required and therefore no additional income will be incurred to the general fund. Also, no additional personnel will be required.

❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by state government agency to which all fees are paid by its licensees.

❖OTHER PERSONS: The change to the rule is for clarification purposes only and will not impact the industry or consumers financially.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The change to the rule is for clarification purposes only and will not impact the industry or consumers financially.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have absolutely no fiscal impact on 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 08/31/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/06/2001, 2:00 p.m., Room 4112, State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-186. Bail Bond Surety Business.

R590-186-11. Definition.

In reference to subsection 31A-35-701 (5) "members of their immediate families" shall be defined as: spouse, children, stepchildren, children-in-law, mother, father, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, step-mother, step-father, step-brother, step-sister, half-brother, and half-sister.

R590-186-~~11~~12. Penalties.

Violations of this rule are punishable pursuant to Section 31A-2-308.

R590-186-13. 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 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 the Effective Date form is published in the Utah State Bulletin, a publication of the Division of Administrative Rules. The Utah State Bulletin is found at the website, www.rules.state.ut.us. In addition, the effective date may be found at the department's website, www.insurance.state.ut.us, by clicking on Industry Resources and then Rules and scrolling down to the appropriate reference to the rule.

R590-186-~~12~~14. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this and the provisions of this rule are declared to be severable.

KEY: insurance

[August 10, 2000]2001

31A-35-104

31A-35-301

31A-35-401

31A-35-406



Natural Resources, Water Rights

R655-10

Dam Safety Classifications, Approval Procedures and Independent Reviews

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23898

FILED: 07/12/2001, 13:34

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify information which has generated questions.

SUMMARY OF THE RULE OR CHANGE: Eliminates Inflow Design Flood (IDF) from the definitions. Clarifies language in definitions. Specifies size of drawings as part of plans submitted to be 24 inches by 36 inches. Specifies that two sets of (11x17) drawings shall be submitted upon approval by the state engineer.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 73, Chapter 5a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This is clarification of the rule. There will be no additional costs incurred by state government.

❖LOCAL GOVERNMENTS: This is clarification of the rule. There will be no additional costs incurred by local governments.

❖OTHER PERSONS: This is clarification of the rule. There will be no additional costs incurred by other parties.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The specification of the size of drawings does not affect compliance costs. This is for clarification of the rule.

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

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

Natural Resources
Water Rights
Department of Natural Resources Building
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karen Peisley at the above address, by phone at (801) 538-7370, by FAX at (801) 538-7467, or by Internet E-mail at nrwrt.kpeisley@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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/04/2001

AUTHORIZED BY: Robert L. Morgan, State Engineer

**R655. Natural Resources, Water Rights.
R655-10. Dam Safety Classifications, Approval Procedures and Independent Reviews.**

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R655-10-4. Definitions.

ABUTMENT is the part of the valley side against which the dam is constructed. Right and left abutments are those on respective sides of an observer when viewed looking downstream.

ACRE-FOOT (AC-FT) of water is the volume of water required to cover one acre, one foot deep. This is the term commonly associated with reservoir storage. It is equal to 43,560 cubic feet.

ACTIVE FAULT is a fault that has exhibited one or more of the following characteristics:

- (a) movement at or near the ground surface at least once in the last 35,000 years;
- (b) instrumentally determined seismicity that demonstrates a causal relationship with the fault;

(c) structural relationship to an active fault such that movement on one fault could be expected to cause movement on the other.

ACTIVE STORAGE CAPACITY is the amount of storage that can be released and utilized.

ANISOTROPY means having physical characteristics which vary in different directions.

APPURTENANT STRUCTURE means the outlet works, spillways, access structures, bridges, and other related structure to a dam.

AXIS OF DAM is the plane or curved surface, arbitrarily chosen by a designer, appearing as a line, in plan or in cross section, to which the horizontal dimensions of the dam can be referred.

BENCHMARK is a permanent physical mark of known horizontal coordinates and elevation.

BREACH is an opening or a breakthrough in a dam.

CALIBRATED WATERSHEDS are watersheds with sufficient precipitation and streamflow measuring devices and records to allow for computations of the relationships between precipitation and streamflow.

CAMBER is additional material placed on the dam crest to protect design freeboard from anticipated settlement.

CAPACITY is the maximum volume that can be stored in a reservoir below the primary spillway level.

CAVITATION is wear on a hydraulic structure where a high hydraulic gradient is present.

CHANGE ORDER is a document used to modify approved plans or make adjustments in pay quantities.

COLLECTION PIPE is a conduit used to collect seepage waters from drainage blankets and drains and convey the water to a point downstream of the dam.

CONDUIT is a closed channel to convey water through, under, or around a dam.

CONDUIT FILTER DRAIN is a pervious filter drain around a conduit for the purpose of seepage control.

CONTROL SECTION is the section where flow passes through critical depth.

CONTOUR LINE is a line of constant elevation on a map or drawing.

CREST LENGTH is the developed length of the top of a dam.

CREST WIDTH is the developed width of the top of a dam.

CUBIC FEET PER SECOND (CFS) is a unit expressing rates of discharge. One cubic foot per second is equal to the discharge through a rectangular cross-section, one foot wide and one foot deep, flowing at an average velocity of one foot per second.

CUTOFF COLLAR is a projecting collar, usually of concrete, built around the outside of a pipe, tunnel, or conduit, to lengthen the seepage path along the outer surface of the conduit.

DAM is any artificial barrier or obstruction, together with appurtenant works, if any, which impounds or diverts water.

DEAD STORAGE is the storage that lies below the invert of the lowest outlet and that cannot be withdrawn from the reservoir without pumping.

DEFORMATION ANALYSIS is a study of how a dam will permanently deform as a result of strains caused by seismic loads.

DENTAL CONCRETE is concrete used to level discontinuities in dam foundations and abutments.

DESICCATION is the process of cracking of soils due to shrinkage during drying.

DIFFERENTIAL SETTLEMENT is unequal settlement of a structure or soil mass, often leading to excessive stresses or unacceptable strains.

DISPERSIVE CLAYS are clays whose particles detach in the presence of water and may be transported by the water, leading to a piping failure.

DRAINAGE AREA or watershed is the area that drains naturally to a particular point on a river, stream or creek.

DRAINAGE BLANKET is a drainage layer placed directly over the foundation material.

DRAINAGE WELLS or pressure relief wells are wells or boreholes usually downstream of impervious cores, grout curtains, or cutoffs, designed to collect and control seepage through or under a dam, so as to reduce uplift pressures under or within a dam. A line of wells forms a drainage curtain.

DRAWDOWN is the lowering of a reservoir's water surface level due to releases.

DRAWINGS are graphical details of proposed construction.

DROP STRUCTURES are permanent structures used to facilitate the vertical downward movement of water without causing erosion.

DYNAMIC ANALYSIS is an analysis which predicts the stability and or deformation of a dam due to seismic loads.

EARLY WARNING SYSTEM is an automatic device used to alert downstream interests of existing or impending high flows caused by storms or dam failures.

EMERGENCY ACTION PLAN is a predetermined plan of action to be taken to reduce the potential for loss of life and property damage in an area affected by a dam break.

EMERGENCY SPILLWAY, or secondary spillway, is the spillway designed to convey excess water generated by unusual hydrological events through, over or around a dam.

ENLARGEMENT is any change or addition to an existing dam or its appurtenant works which increases, or may increase, the maximum quantity of water which can be stored therein.

EPICENTER is the point on the earth's surface directly above the site of initial movement on the fault.

EXIT CHANNEL is an open channel, located downstream from any conduit or spillway, which conducts the flow to a point where it may be released without jeopardizing the dam.

FACE, in reference to a structure, is the external surface that limits the structure.

FILTER or filter zone is a band or zone that is incorporated in a dam and is graded, either naturally or by selection, so as to allow seepage to flow across or down the filter without allowing the migration of material from zones adjacent to the filter.

FLASHBOARDS are lengths of timber, concrete, or steel placed on the crest of a spillway to raise the water level but that may be quickly removed in the event of a flood, either by a tripping device or by a deliberately designed failure of the flashboards or their supports.

FLOOD ROUTING is a computation of the changes in the rise and fall in stream flow or reservoir levels as a flood moves downstream. The results provide hydrographs of flow or elevation versus time at given points on the stream or in a reservoir.

FLOOD STAGE is the stage or elevation in which overflow of the natural banks of a stream or body of water begins.

FLOWLINE or invert is the lowest point in a water conveyance structure where water can flow.

FOUNDATION OF DAM is the natural material on which the dam structure is placed.

GALLERY is a permanent accessible structure within the interior of a dam used for seepage collection, monitoring, and remedial work.

GEOLOGIST is a person with a degree in geology or a related field from an accredited college or university with at least three years of experience in engineering geology.

GEOMEMBRANE is a term for a geosynthetic which is designed to be an impermeable barrier.

GEOSYNTHETICS is a broad term used to describe manmade fabrics used in geotechnical applications.

GEOTEXTILE is a term for a geosynthetic which is designed to be a filter, a drain, act as reinforcement, or for separation.

GROIN is that area along the contact or intersection of the face of a dam with the abutments.

GROUT CURTAIN is a barrier to reduce seepage under a dam, produced by injecting grout into a vertical zone in the foundation.

HYDRAULIC FRACTURING is the fracturing of soil materials due to excessive fluid pressures.

HYDRAULIC HEIGHT is the vertical dimension of a dam as measured from the natural streambed at the downstream toe to the elevation of the water surface at the crest of the primary spillway.

HYDRAULICS is the science of the static and dynamic behavior of fluids.

HYDROGRAPH is a graphical representation of discharge, stage, volume, or other hydraulic property, with respect to time, for a particular point.

HYDROLOGY is the study of the properties, distribution and movement of water on the earth's surface, in the soil and underlying rocks.

INCREMENTAL DAMAGE ASSESSMENT (IDA) is an analysis showing the influence of a dam failure when superimposed upon an extreme hydrologic event.

INDEPENDENT CONSULTANT is a consultant used, in addition to the owner's engineer, to assess the design, construction, investigation or operation of a dam.

INFILTRATION RATE is the rate at which a given soil can accept surface water.[]

~~**INFLOW DESIGN FLOOD (IDF)** means the flood hydrograph which is used to size a dam's spillway.~~

INITIAL FILLING PLAN is a written procedure used during the first filling of a reservoir.

INLET CHANNEL is an open channel upstream from a spillway or conduit.

INTERNAL EROSION is piping.

INUNDATION MAPS show areas that would be subject to flooding due to storm conditions or failure of a dam.

LIQUEFACTION is the sudden loss of strength or stiffness of a soil resulting from dynamic loading as from earthquakes.

LOG BOOM is a floating device intended to prevent large floating debris from being carried into a spillway.

LOW-LEVEL OUTLET is a conduit from a reservoir, generally used for lowering the reservoir or for providing downstream releases.

MAGNITUDE of an earthquake is a quantity characteristic of the total energy released by an earthquake.

MAXIMUM CAPACITY is the maximum volume of water that can be stored in a reservoir when filled to the crest of the dam.

MAXIMUM CREDIBLE EARTHQUAKE (MCE) -- All active sources of seismicity with the potential to impact the stability of a dam should be assigned a maximum credible seismic event. The event which has the greatest potential to cause damage at the site will be defined as the Maximum Credible Earthquake.

NAPPE is the free-falling stream from a weir.

NORMAL FREEBOARD is the vertical distance between the primary spillway overflow crest and the top of the dam.

ONE HUNDRED YEAR FLOOD means the flood having a one percent probability of being equalled or exceeded in any given year.

ONE HUNDRED YEAR PRECIPITATION means the precipitation having a one percent probability of being equalled or exceeded in any given year.

OPERATING BASIS EARTHQUAKE (OBE) -- All active sources of seismicity with the potential to impact the stability of a dam should be assigned an operating basis seismic event. This event is considered to have a return interval of at least 200 years. The event which has the greatest potential to cause damage at the site will be defined as the Operating Basis Earthquake.

OWNER includes all who own, control, operate, maintain, manage, or propose to construct a dam; also, their agents, lessees, trustees, and receivers.

OWNER'S ENGINEER is a professional engineer, licensed in Utah, retained to design, construct, monitor, operate, or evaluate a dam.

PEAK FLOW is the maximum instantaneous discharge that occurs during a flood. It is coincident with the peak of a flood hydrograph.

PERVIOUS ZONE is a part of the cross section of an embankment dam comprising material of high permeability.

PHREATIC SURFACE is the free surface of ground water at atmospheric pressure.

PIEZOMETER is an instrument for measuring pore water pressure within soil, rock, or concrete.

PIPING is the progressive development of internal erosion by seepage, appearing downstream as a hole or seam, discharging water that contains soil particles.

PLANS are engineering drawings, specifications, and design reports supporting the design of a dam and detailing the construction of the dam.

POROUS INTERVAL is the portion of a piezometer where infiltrating water is allowed to act on the device.

PRINCIPAL SPILLWAY is the main spillway for normal operating conditions.

PROBABLE MAXIMUM FLOOD (PMF) is the flood that may be reasonably expected from the most severe combination of critical meteorologic and hydrologic conditions that are possible in the region.

PROBABLE MAXIMUM PRECIPITATION (PMP) is the maximum amount of precipitation that could be expected to fall on a drainage under the most severe meteorologic condition.

PSEUDO STATIC ANALYSIS is an approximate method for predicting the dynamic stability of a structure using static loads.

RESERVOIR AREA is the surface area of a reservoir when filled to a given water elevation.

RESERVOIR RIM is a term used to describe the land forms around the perimeter of a reservoir which could have an adverse impact on the dam or reservoir due to movement.

RESERVOIR STAGE is the measure of the depth or elevation of water in a reservoir relative to an established datum.

RESIDUAL FREEBOARD means the vertical distance between the maximum water surface during a given hydrologic event and the top of the dam.

RESPONSE SPECTRUM is a graphical representation of actual motions, including displacement, velocity, and acceleration, caused by seismic events.

RIPRAP is a layer of large stones, broken rock, or precast blocks placed on the upstream slope of an embankment dam, on a reservoir shore, or on the sides of a channel, as a protection against waves, ice, and scour.

SEDIMENT POOL is the portion of the reservoir allotted to the accumulation of submerged sediment during the design life of the dam.

SEISMIC means pertaining to an earthquake or earth vibration.

SLOPE PROTECTION is the protection of an embankment slope against wave action or erosion.

SPECIFICATIONS are written descriptions of the proposed construction.

SPILLWAY is an open or closed channel, conduit or drop structure used to convey excess water through a reservoir. It may contain gates, either manually or automatically controlled, to regulate the discharge of the water.

SPILLWAY EVALUATION FLOOD (SEF) is the flood that may be expected at the dam from applying the SEP to a given watershed.

SPILLWAY EVALUATION PRECIPITATION (SEP) is the lowest, site specific local storm [~~(six hour)~~] precipitation estimate adjusted for a drainage basin area, allowed by the State Engineer, used in the analysis of existing high hazard dams.

STAFF GAGE is a permanent instrument or device used to read reservoir stage.

STANDARD OPERATING PLAN is a written procedure outlining the operation and maintenance of a dam and its appurtenant structures and equipment.

STATE ENGINEER is the Director of the Utah Division of Water Rights.

STILLING BASIN is a basin constructed to dissipate excess energy of waters emerging from a spillway or outlet.

STOPLOGS are beams placed on top of each other with their ends held in guides on each side of a channel or conduit.

STORAGE CAPACITY is the volume of water which can be stored at the elevation of the primary spillway, including both active and dead storage.

STRUCTURAL HEIGHT means the vertical dimension of a dam as measured from the natural streambed at the downstream toe of a dam to the top of a dam.

SURVEY MARKER is a permanent physical mark on a dam or appurtenant structure used to measure changes in horizontal and vertical movement.

TECTONICS is a study of the broader features of the earth's crust and the causes of its deformation.

TEST BORINGS are holes drilled to determine the type and physical properties of subsurface materials.

TEST PIT is an excavation used to evaluate and observe subsurface materials.

TOE OF DAM is the junction of a dam face with the foundation. For an embankment dam, the junction of the upstream

face with ground surface is called the upstream toe, and the junction of the downstream face with the ground surface is referred to as the downstream toe.

TRANSITION ZONE is a zone of material used to provide filter requirements between two zones of material which do not meet filter requirements.

TRASH RACK is a screen located at an intake to prevent the entry of floating or submerged debris.

UNGATED OUTLET is an outlet that allows uncontrolled flow through or around a dam.

UNIT HYDROGRAPH is a hydrograph which shows the rates at which runoff occurs for one inch of storm runoff from a drainage area.

UPLIFT is the upward water pressure in the pores of a material or on the base of a structure.

WATER STOPS are strips of material used to prevent leakage through joints between adjacent sections of concrete.

WEIR is a device used to measure or control water.

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R655-10-6B. Submission of Plans.

A. All projects requiring submission of plans should include a package including the drawings, specifications, design reports, and any other information which will assist in reviewing the project. The amount of information generated becomes more involved as the size and hazard rating of the structure increases. The following guidelines are included to alert the designer to the basic information required.

B. All drawings submitted should comply with the following:

1. The size of all drawings submitted for review shall be ~~no larger than~~ 24 inches by 36 inches. Following approval of the project by the State Engineer, two sets of 11 inch by 17 inch drawings shall be submitted.

2. All drawings should include a bar scale to allow for accurate scaling of reductions.

3. All drawings shall have a title block in the lower right corner showing the project name, the owner's name, the sheet number, and the date of preparation of the plans.

4. All drawings shall have provisions for noting the dates of any modifications.

5. Each drawing shall include the signature and seal of the responsible engineer. Geological drawings should also be signed by the responsible geologist.

C. Drawings to be included in plans are:

1. Title sheet, including:
 - a. General location map including access roads.
 - b. Signature block for owner's acceptance.
 - c. Index of drawings.
 - d. Reference to the water rights for the reservoir.
 - e. Reservoir stage/storage curve.
 - f. Rating curves for outlets and spillways.
2. Plan view of reservoir, including:
 - a. Existing topography.
 - b. Borrow areas.
 - c. Supply canals and pipelines.
 - d. Suitable contour lines.
 - e. Clearing limits.
 - f. Waste areas.

3. Plan view of dam, including:
 - a. Location of all pertinent features.
 - b. A survey tie, to an outside section corner, where the longitudinal axis of the dam intersects the axis of the original stream channel or the low level outlet.
 - c. Clearing limits.
 4. Longitudinal profile, showing:
 - a. Original ground line.
 - b. Location of core trench or other cutoff features.
 - c. Location of outlets and spillways.
 - d. Camber and anticipated settlement.
 5. Typical cross-sections of dam, showing:
 - a. Embankment geometrics including internal zones.
 - b. Slope protection.
 - c. Cutoff.
 - d. Delineation of embankment on natural ground surface.
 - e. Freeboard.
 - f. Internal drainage.
 - g. Limits of foundation excavation.
 6. Plan, profile, cross sections and details of all outlets, spillways, and other structures.
 7. Structural details for reinforcing steel, metal fabrication, or waterstops.
 8. Site geology map of the damsite and reservoir basin including locations of all borings and test pits.
 9. Longitudinal geologic profile of both the dam and reservoir, showing:
 - a. Original ground line.
 - b. Location and orientation of borings.
 - c. Geological profile showing pertinent lithologic, hydrologic, and structural information.
 10. Logs of borings with classifications of soil and rock, results of water pressure tests and other downhole material property tests, soil classification, standard penetration tests, core recovery, rock quality designations, and strength tests.
 11. Any additional drawings such as instrumentation details necessary to construct the project.
- D. Specification Requirements.
- The State Engineer must review and approve all technical specifications for a proposed project. A partial list of specifications directly related to dam safety follows:
1. Site Preparation.
 - a. Clearing and Grubbing.
 - b. Soil Stripping.
 - c. Structure Removal.
 - d. Diversion and Care of Stream.
 2. Foundation Preparation.
 - a. Foundation Dewatering.
 - b. Relief Wells.
 - c. Grouting.
 - d. Cutoffs.
 - e. Abutment Contacts.
 - f. Exploration.
 - g. Dental Concrete.
 3. Earthwork.
 - a. Excavation.
 - b. Earth Fill.
 - c. Drain Fill.
 - d. Rock Fill.

- e. Material Handling.
- f. Testing Procedures.
- 4. Concrete and Reinforcement.
 - a. Concrete Mixing and Placement.
 - b. Steel Reinforcement.
 - c. Admixtures.
 - d. Curing and Curing Compounds.
 - e. Joint Fillers and Waterstops.
- 5. Outlets.
 - a. Water Control Gates and Valves.
 - b. Air Vent.
 - c. Operating Equipment.
 - d. Bedding Requirements.
- 6. Aggregates and Rock.
 - a. Drain Fill and Filters.
 - b. Concrete Aggregates.
 - c. Riprap.
- 7. Erosion Control.
- 8. Miscellaneous Structural Work.
 - a. Metal Fabrication and Installation.
 - b. Instrumentation.
- 9. All technical specifications should also include testing intervals to assure compliance with the specifications.

E. Design Report Requirements. The design report should include all information used to design the dam, including assumptions made and methodology used with sufficient documentation. Any building codes or design manuals used in the design should be referenced, including the year of publication of the source. If the design report is a product of a team effort, the names of all persons producing the report should be included along with the sections they prepared. Examples of items to be included in the design report are as follows:

- 1. Hydrology calculations for determining the spillway requirements.
- 2. Hydraulic characteristics of the outlets and spillways.
- 3. Subsurface investigation including logs of test borings and geologic cross-sections.
- 4. Material testing results and the location and logs of test pits.
- 5. Foundation treatment and abutment contact design.
- 6. Calculations for the reinforced concrete design and the loading conditions utilized.
- 7. Stability analysis of the dam, abutments, and reservoir rim, including appropriate seismic loading, safety factors and embankment zone characteristics.
- 8. Geological investigations including:
 - a. Regional perspective of the site's geologic and seismic setting at a scale appropriate to the geologic complexity of the area.
 - b. Seismic evaluation establishing the relationship of the site to all seismic features of concern and the potential for reservoir induced seismicity.
 - c. Site geology of areas affected by construction activities and appropriate adjacent areas.
 - d. Plans to compensate for any geological weakness in the dam foundation, abutment areas, and reservoir rim.
- 9. Seepage considerations including the cutoff trench design and internal drainage design.
- 10. Post-construction monitoring or alarm systems.

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KEY: dam safety, dams, reservoirs
[July 3, 1996]2001
Notice of Continuation July 12, 2001

73-5a



Natural Resources, Water Rights **R655-11** Requirements for the Design, Construction and Abandonment of Dams

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 23899
 FILED: 07/12/2001, 13:34
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify language that better reflects the intent of the rule, and to make minor additions.

SUMMARY OF THE RULE OR CHANGE: Updates Inflow Design to read Spillway Evaluation in Section R655-11-4. Clarifies and modifies terms regarding Probable Maximum Flood (PMP) values. Modifies language regarding Infiltration Rate Adjustments for High and Moderate Hazard Dams. Adds infiltration rates to minimum requirements for Low Hazard Dams. Modifies language for Flood Routing. Clarifies that all projects must be investigated for the Maximum Credible Earthquake (MCE) and the Operating Basis Earthquake (OBE) by eliminating specific seismic zones. Adds that the state engineer has discretion regarding waiving the OBE requirement. Stipulates that outlets should have valves or capped flanges accessible by personnel or video equipment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 73, Chapter 5a

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** This is clarification of the rule. There will be no additional costs incurred by state government.
 - ❖ **LOCAL GOVERNMENTS:** This is clarification of the rule. There will be no additional costs incurred by local governments.
 - ❖ **OTHER PERSONS:** This is clarification of the rule. There will be no additional costs incurred by other parties.
- COMPLIANCE COSTS FOR AFFECTED PERSONS:** Compliance costs are not affected by the changes. This is clarification of the rule.

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

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

Natural Resources
Water Rights
Department of Natural Resources Building
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Peisley at the above address, by phone at (801) 538-7370, by FAX at (801) 538-7467, or by Internet E-mail at nrwrt.kpeisley@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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/04/2001

AUTHORIZED BY: Robert L. Morgan, State Engineer

R655. Natural Resources, Water Rights.
R655-11. Requirements for the Design, Construction and Abandonment of Dams.

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R655-11-4. Hydrologic Design.

In order to provide continuity from dam to dam, the [~~Inflow Design~~spillway evaluation Flood (~~IDF~~)(SEF)] shall be reported as a percentage of the Probable Maximum Flood (PMF). The following paragraphs outline the procedures to be undertaken during the hydrological design of a project.

R655-11-4A. Probable Maximum Flood.

The PMF should be generated using the most [~~critical~~reasonable] Probable Maximum Precipitation (PMP). Infiltration rates should be representative of [~~saturated~~average] watershed conditions. PMP values used should represent a duration and distribution which produces the most [~~critical~~probable] inflow hydrograph. Allowances for rain or snow should be made where appropriate. For some high hazard dams which pose a major threat to human life and property, the PMF will be the IDF. The State Engineer will be the ultimate authority in deciding if a project will be designed to pass the PMF or to accept a lesser IDF.

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R655-11-4C. Infiltration Rate Adjustments for High and Moderate Hazard Dams.

The State Engineer may, at his discretion, accept an IDF using PMP values in conjunction with soil moisture conditions representative of historical [~~maximums~~averages]. If the design engineer is using infiltration rates which represent something less than [~~saturated~~average] conditions, meteorological data should be submitted to document the soil moisture conditions and establish an

estimate of the probability of more severe conditions occurring during the selected event. The IDF determined using less stringent conditions should be reported as a percent of the PMF.

R655-11-4D. Minimum Requirements for Low Hazard Dams.

All low hazard dams must pass a flood generated by the 100 year precipitation event with the most critical duration, [~~and~~] distribution, and infiltration rates (AMC III). Soil moisture conditions used should represent historical maximums with supporting documentation. If a study of the historical maximum soil conditions is not undertaken, saturated watershed conditions should be used. The 100 year flood should also be reported as a percent of the PMF.

R655-11-4E. Flood Routing.

A. In routing the IDF through the reservoir, the initial water surface should reflect [~~conservative~~]average estimates which would exist at the time of the flood event. Unless documentation can be provided to the contrary, it should be assumed that all low level outlets are closed during routing of the IDF. For dams receiving inflow from pipelines and supply canals, it should be assumed these additional sources are operating at capacity during the flood event. In the event the spillway is gated or has "stop logs", documentation must be provided to show the gates are automated or operational procedures are in place to insure that the gates can be opened or the stop logs removed in a timely manner.

B. In generating the IDF, the basin characteristics used and the parameters used to generate the unit hydrograph should be based on the best information available. Unit hydrographs generated from historical records or calibrated watersheds should be used where data is available, rather than using synthetic procedures.

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R655-11-5A. Geological and Seismic Study.

A review of the seismic or earthquake history of the region will be performed to establish the relationship of the site to known faults and epicenters. This will be based primarily on review of existing maps and technical literature and should include major earthquakes during historic time, epicenter locations and magnitudes, and the location of any major or regional fault traces. Geologic conditions at or near the dam site that might indicate recent fault or seismic activity should be included. Resulting design earthquakes and associated site ground motion parameters will be selected considering all available evidence including tectonic and seismological history. The ground motion parameters to be selected for the site will consist of those that are needed by the analyses that are appropriately selected for design and may include peak accelerations, velocities, displacements, response spectra, and acceleration time histories. Both the Maximum Credible Earthquake (MCE) and the Operating Basis Earthquake (OBE) will need to be investigated for all projects, [~~located in seismic zones 2 and 3, as defined in the 1988 edition of the Uniform Building Code, hereby incorporated by reference. The requirements for projects located in seismic zone 1 will be determined on an individual basis, but will generally be less than for seismic zones 2 and 3.~~] The MCE should be evaluated from the following analyses:

- 1. A deterministic analysis from active faults in the region surrounding the dam.

2. Unless otherwise required by the State Engineer, the random or background event will consist of a minimum magnitude 6.5 event having a peak horizontal site acceleration obtained from a map, herein incorporated by reference, produced by [Arthur Frankel of] the USGS and entitled "Peak Accelerations (%g) with 5,000 Year Return Time; no fault-specific sources." Alternatively, site specific evaluations may be performed to define ground motions for this event if the methods used and assumptions made are acceptable to the State Engineer. At the discretion of the State Engineer, the OBE requirement may be waived.

3. The OBE will be determined by probabilistic methods acceptable to the State Engineer.

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R655-11-7A. Outlet Sizing.

A. All dams shall have a low level outlet capable of draining the reservoir to the sediment pool. The outlet should be sized to meet the project demands as well as the following criteria.

1. All outlets shall be 24 inches in diameter or larger unless exempted in writing by the State Engineer. Outlets should have valves or capped flanges which can facilitate entry into the pipe by personnel or video equipment.

2. All outlets shall have the capacity to evacuate 90% of the active storage capacity of the reservoir within 30 days neglecting reservoir inflows. The State Engineer may adjust this requirement on large reservoirs if it can be demonstrated that compliance would result in an unreasonably sized outlet or potential releases would exceed the downstream channel carrying capacity.

3. All outlets shall have the capacity to satisfy prior downstream water rights and the owners' release requirements.

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KEY: dams, earthquakes, floods, reservoirs
~~[June 20, 1997]~~2001
Notice of Continuation July 12, 2001

73-5a



Natural Resources, Water Rights
R655-12
Requirements for Operational Dams

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23900
FILED: 07/12/2001, 13:34
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To update the rule with minor additions.

SUMMARY OF THE RULE OR CHANGE: Addition to reporting requirements stipulates that a copy of the record or as-constructed drawings shall be included. Under Minimum Standards for Existing Dams, Dams upgraded to a High Hazard rating shall be immediately subject to the minimum standards for existing dams.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 73, Chapter 5a

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: This is clarification of the rule. There will be no additional costs incurred by state government.
- ❖LOCAL GOVERNMENTS: This is clarification of the rule. There will be no additional costs incurred by local governments.
- ❖OTHER PERSONS: This is clarification of the rule. There will be no additional costs incurred by other parties.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs are not affected by the changes. This is clarification of the rule.

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

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

Natural Resources
Water Rights
Department of Natural Resources Building
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karen Peisley at the above address, by phone at (801) 538-7370, by FAX at (801) 538-7467, or by Internet E-mail at nrwrt.kpeisley@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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/04/2001

AUTHORIZED BY: Robert L. Morgan, State Engineer

R655. Natural Resources, Water Rights.
R655-12. Requirements for Operational Dams.

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R655-12-4A. Content.

The standard operating plan must include the following:

1. General information on the dam and reservoir including the history, a description of the project, persons responsible, agreements with other entities, and the purpose of the project.

- 2. Inspection list detailing what items should be inspected routinely by the owner or his agent.
- 3. Routine maintenance schedule and procedures such as rodent removal, vegetation control, floating debris removal, lubrication, painting, grading, riprap repair, and erosion repair.
- 4. Outlet and spillway operation including operation and maintenance of any mechanical, hydraulic, or electrical systems used. Emergency or back-up procedures should be included.
- 5. Instrumentation operation including threshold values, reading schedules, reporting procedures, and maintenance.
- 6. Reservoir operation including descriptions of controlling floatable debris, monitoring unstable soils, control of sediment, public access, and inundation areas.
- 7. Safety and health hazards and procedures to mitigate the hazards.
- 8. Recordkeeping and reporting procedures including necessary forms and examples.
- 9. A copy of the record or as-constructed drawings shall be included.

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R655-12-5. Minimum Standards for Existing Dams.

The following minimum standards are applicable to existing high hazard dams. In the event compliance with the following standards may not be cost effective, the State Engineer may consider other alternatives such as risk-based assessments, acquisition of habitable structures, acquisition of downstream easements, installation of early warning systems, construction of levees, or other means to diminish the threat to human life. Dams with a hazard rating upgraded to high hazards shall immediately be subject to the minimum standards for existing dams.

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KEY: dam safety, dams, reservoirs
~~June 20, 1997~~2001
Notice of Continuation July 12, 2001

73-5a



Public Safety, Fire Marshal
R710-3
Assisted Living Facilities

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23881
FILED: 07/05/2001, 12:10
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to correct an amendment made to Rule R710-3, Assisted Living Facilities, which defined the housing of residents in Assisted Living Facilities.

SUMMARY OF THE RULE OR CHANGE: On June 19, 2001, the Utah Fire Prevention Board met and addressed a corrective amendment to Section R710-3-2, Definitions and Subsection R710-3-3(7). This amendment clarifies a previous amendment that went into effect on May 16, 2001. It was felt that there needed to be a further defining of an equivalency to the definition of Ambulatory as found in Section R710-3-2. The Board felt that the equivalency could be granted if certain required items were completed as proposed in Subsection R710-3-3(7). This would put Rule R710-3 in regard to the usage of an equivalency, in consensus with the currently adopted policy of the Department of Health who ultimately grants the equivalency in Assisted Living facilities. (DAR Note: The proposed amendment to R710-3 which was made effective on May 16, 2001, was published in the April 15, 2001, issue of the *Utah State Bulletin* under DAR No. 23579.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be a minimal cost to the State to reprint the changed rule, Rule R710-3, and redistribute this rule to those who are affected by the rule change. The aggregate cost would be estimated at approximately \$200.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because this amendment does not effect local government.

❖OTHER PERSONS: There is no anticipated cost or savings to Assisted Living operators because this amendment is already being used by the Department of Health as an equivalency to the term of ambulatory.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance cost for affected persons because this is policy by variance is already being used by the Department of Health as an equivalency when a resident becomes non-ambulatory for a short period of time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business that will result from this rule amendment.

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

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at bhallada@dps.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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

R710. Public Safety, Fire Marshal.
R710-3. Assisted Living Facilities.

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R710-3-2. Definitions.

"Ambulatory" means a person who is capable of achieving mobility sufficient to exit without the assistance of another person. An equivalency to "Ambulatory" may be approved under the conditions stated in Section 3.3.7~~[by the Utah Department of Health pursuant to Utah Administrative Code, R432-2-18, in cases where a resident becomes non-ambulatory during the course of their stay in an assisted living facility].~~

"Assisted Living Facility" means:

(1) a Type I Assisted Living Facility, which is a residential facility that provides a protected living arrangement for ambulatory, nonrestrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

(2) a Type II Assisted Living Facility, which is a residential facility that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

(3) Assisted Living Facilities shall be classified as follows:

(a) "Type I and II Limited Capacity Assisted Living Facility" means a facility accommodating not more than five residents, excluding staff.

(b) "Type I and II Small Assisted Living Facility" means a facility accommodating more than five and not more than sixteen residents, excluding staff.

(c) "Type I and II Large Assisted Living Facility" means a facility accommodating more than sixteen residents.

"Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, his duly authorized deputies, or the local fire enforcement authority.

"Board" means Utah Fire Prevention Board.

"ICBO" means International Conference of Building Officials.

"IFCI" means International Fire Code Institute.

"Licensing Authority" means the Utah Department of Health or the Utah Department of Human Services.

"Semi-independent" means a person who is:

A. physically disabled but able to direct his or her own care; or

B. cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

"SFM" means State Fire Marshal.

"UBC" means Uniform Building Code.

"UFC" means Uniform Fire Code.

R710-3-3. Amendments and Additions.

3.1 General Requirements

3.1.1 All facilities shall be inspected annually and obtain a certificate of fire clearance signed by the AHJ.

3.1.2 All facility administrators shall develop emergency plans, provide staff training in the usage of all emergency equipment to include portable fire extinguishers, hood systems, fire alarms, and fire drills, in addition to those requirements in the UFC, Article 13.

3.2 Type I Assisted Living Facilities

3.2.1 Type I Limited Capacity Assisted Living Facilities shall be constructed in accordance with UBC, Group R, Division 3 Occupancies; and maintained in accordance with the UBC and UFC.

3.2.2 Type I Limited Capacity Assisted Living Facility required exits shall not be secured with dead bolts, chains, or hasps. Deadbolts that are interconnected with the latch, and provide simultaneous retraction of both the deadbolt and the latch, by the turning of the latch, is permitted.

3.2.3 Residents in Type I Limited Capacity Assisted Living Facilities shall be housed on the first story only, unless an approved outside exit leading to the ground level is provided from any upper or lower level. Split entry/split level type homes in which stairs to the lower and upper level are equal or nearly equal, may have residents housed on both levels when approved by the AHJ.

3.2.4 In Type I Limited Capacity Assisted Living Facilities, resident rooms on the ground level, shall have escape or rescue windows as required in UBC, Chapter 3, Section 310.4.

3.2.5 In Type I Limited Capacity Assisted Living Facilities an approved independent smoke detector shall be installed in each sleeping room and access hallway.

3.2.6 Type I Small Assisted Living Facilities shall be constructed in accordance with UBC, Appendix Chapter 3, Division IV - Requirements for Group R, Division 4 Occupancies; and maintained in accordance with the UBC and UFC.

3.2.7 Type I Small Assisted Living Facility required exits shall not be secured with dead bolts, chains, or hasps. Deadbolts that are interconnected with the latch, and provide simultaneous retraction of both the deadbolt and the latch, by the turning of the latch, is permitted.

3.2.8 Type I Large Assisted Living Facilities shall be constructed in accordance with UBC, Group I, Division 2; and maintained in accordance with the UBC and UFC.

3.3 Type II Assisted Living Facilities

3.3.1 Type II Limited Capacity Assisted Living Facilities shall be constructed in accordance with UBC, Appendix Chapter 3, Division IV, Requirements for Group R, Division 4 Occupancies; and maintained in accordance with the UBC and UFC.

3.3.2 Type II Limited Capacity Assisted Living Facilities shall have an approved automatic fire extinguishing system installed in compliance with the UBC, or provide a staff to a resident ratio of one to one on a 24 hour basis.

3.3.3 Type II Small Assisted Living Facilities shall be constructed in accordance with UBC, Group I, Division 2; and maintained in accordance with the UBC and UFC.

3.3.4 Type II Small Assisted Living Facilities shall have a minimum corridor width of six feet.

3.3.5 Type II Large Assisted Living Facilities shall be constructed in accordance with UBC, Group I, Division 2; and maintained in accordance with the UBC and UFC.

3.3.6 Type II Large Assisted Living Facilities shall have a minimum corridor width of six feet.

3.3.7 Upon request to the Utah Department of Health for a non-ambulatory variance as allowed in Utah Administrative Code, R432-2-18, the following conditions shall be met:

(a) The attending physician's diagnosis and orders for care.

(b) Hospice plan of care if applicable

(c) The facilities service plan which includes a statement that the facility is willing and capable of meeting the residents needs.

(d) A statement from the responsible party stating that they will be involved in the plan of care.

(e) The resident will be provided with 24 hour/7 day one to one care and that care giver will be capable of exiting the resident from the facility in an emergency.

(f) The authority having jurisdiction will be sent a copy of this variance.

.....

KEY: assisted living facilities

~~[May 16, 2001]~~ **September 1, 2001**

53-7-204

Notice of Continuation June 19, 1997



Public Service Commission,
Administration
R746-360-4
Application of Fund Surcharges to
Customer Billings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23886

FILED: 07/09/2001, 14:55

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To lower the amount of the surcharge to more accurately reflect the revenue anticipated to support the fund.

SUMMARY OF THE RULE OR CHANGE: The proposed change to Subsection R746-360-4(C) will lower the surcharge from 0.67 percent of billed intrastate retail rates to 0.34 percent.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-15

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--No state agencies are affected by the proposed change.

❖LOCAL GOVERNMENTS: None--No local government activities are affected by the proposed change.

❖OTHER PERSONS: Retail consumers of public telecommunications services will, individually, see a slight reduction in costs due to the reduction of the retail surcharge. These reductions are anticipated to aggregate to approximately \$2,000,000 per year. There is no anticipated change in costs or savings for telecommunications corporations as the changes do not alter their practices.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Because Fund revenue collection activities remain the same and fund distribution activities remain the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As consumers of public telecommunications services, business will see a reduction in the USF surcharge amounts they pay.

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

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 45545
Salt Lake City, UT 84145, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sandy Mooy or Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Barbara Stroud (designee), Paralegal

R746. Public Service Commission, Administration.

R746-360. Universal Public Telecommunications Service Support Fund.

R746-360-4. Application of Fund Surcharges to Customer Billings.

A. Commencement of Surcharge Assessments -- Commencing June 1, 1998, end-user surcharges shall be the source of revenues to support the fund. Surcharges will be applied to intrastate retail rates, and shall not apply to wholesale services.

B. Surcharge Based on a Uniform Percentage of Retail Rates -- The retail surcharge shall be a uniform percentage rate, determined and reviewed annually by the Commission and billed and collected by all retail providers.

C. Surcharge -- The surcharge to be assessed [~~beginning January 1, 2000;~~] shall equal [~~0.67~~] 0.34 percent of billed intrastate retail rates.

KEY: public utilities, telecommunications, universal service*
February 15, 2001
54-7-25
54-7-26
54-8b-12
54-8b-15



**Public Service Commission,
Administration
R746-360-9
One-Time Distributions From the Fund**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23916
FILED: 07/16/2001, 14:28
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To make a uniform formula for allocating one-time universal service fund (USF) distributions to telephone companies.

SUMMARY OF THE RULE OR CHANGE: Subsections were added or amended to describe or clarify the following: Subsections R746-360-9(A)(2), R746-360-9(3), and R746-360-9(4) - One-time distributions will not be made for; more information on filing an application for a one-time distribution; Subsections R746-360-9(B)(1) and R746-360-9(2) - Presumed reasonable amounts and terms; Subsections R746-360-9(C)(1) and R746-360-9(7) - Combination of funds; and Subsection R746-360-9(F) - Bidding for unserved areas.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-15

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--No state government activities are changed by the proposed change.
- ❖LOCAL GOVERNMENTS: None--No local government activities are affected by the proposed change.
- ❖OTHER PERSONS: Some individuals will see decreased costs (savings) and some will see increased costs associated with the contributions they must make for extension of telephone service into high-cost areas of the state. Because the existing terms for extensions vary by telephone company, the customer cost for each extension varies through out the State. Through the uniform formula proposed in the amendment, all customer construction contributions will be calculated the same. It is anticipated that the elimination of the current variance in charges will be less than \$500.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Some individuals will see decreased costs (savings) and some will see increased costs associated with the contributions they must make for extension of telephone service into high-cost areas of the state. Because the existing terms for extensions vary

by telephone company, the customer cost for each extension varies through out the State. Through the uniform formula proposed in the amendment, all customer construction contributions will be calculated the same. It is anticipated that the elimination of the current variance in charges will be less than \$500.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Through discussions with existing telephone companies, the Commission and Division of Public Utilities have reviewed companies' existing service extension terms and has determined that the variance in customer contributions should be eliminated and that a uniform policy should be pursued throughout the State. The Commission has essentially averaged the range of expected contribution levels. The rule also provides for a uniform mechanism for contributions from customers obtaining service after facilities are extended into a new area, again to try to treat similar customers uniformly throughout the State.

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

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 45545
Salt Lake City, UT 84145, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sandy Mooy or Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Barbara Stroud (designee), Paralegal

**R746. Public Service Commission, Administration.
R746-360. Universal Public Telecommunications Service Support Fund.
R746-360-9. One-Time Distributions From the Fund.**

A. Applications for One-Time Distributions -- Telecommunications corporations, whether they are or are not receiving USF funds under R746-360-7 or R746-360-8, [or] potential customers not presently receiving service because facilities are not available, or customers receiving inadequate service may apply to the Commission for one-time distributions from the fund for extension of service to a customer, or customers, not presently served or for amelioration of inadequate service.

1. These distributions are to be made only in extraordinary circumstances, when traditional methods of funding and service provision are infeasible.

2. One-time distributions will not be made for:

- a. New subdivision developments with four units or more;
- b. Property improvements, such as cable placement, when associated with curb and gutter installations; or
- c. Exclusively seasonal developments.

3. An application for a one-time distribution may be filed with the Commission by an individual or group of consumers desiring telephone service or improved service, a telecommunications corporation on behalf of those consumers, the Division of Public Utilities, or any entity permitted by law to request agency action. An application shall identify the service(s) sought, the area to be served and the individuals or entities that will be served if the one-time distribution is approved.

4. Following the application's filing, affected telecommunications corporations shall provide engineering, facilities, costs, and any other pertinent information that will assist in the Commission's consideration of the application.

[F]5. In considering the one-time distribution application, the Commission will examine relevant fact[or]s including the type and grade of service to be provided, the cost of providing the service, the demonstrated need for the service, whether the customer is within the service territory of a telecommunications corporation, whether the proposed service is for a primary residence, the provisions for service or line extension currently available, and other relevant factors to determine whether the one-time distribution is in the public interest.

B. ~~Maximum~~ Presumed Reasonable Amounts and Terms -- Unless otherwise ordered by the Commission, ~~t~~he maximum one-time distribution will be no more than ~~[that required to make the net investment for the designated area, customer, or customers equivalent to the relevant proxy model cost estimate for non-rate-of-return regulated telecommunications corporations or the relevant cost estimate for rate-of-return regulated telecommunications corporations]~~ \$25,000 per customer for rate-of-return regulated companies and \$23,000 per customer for non-rate-of return companies. The Commission will presume a company's service or line extension terms and conditions reasonable, for a subscriber in connection with one-time universal service fund distribution requests, if the costs of service extension, for each extension, are recovered as follows:

1. For rate-of-return regulated companies:

a. The first \$500 of cost coverage is provided by the company; and

b. For cost amounts exceeding the \$500 level, cost, up to two times the statewide average loop investment for all rate-of-return regulated companies, as determined annually by the Division of Public Utilities, equally provided by the company and the customer.

2. For non-rate-of-return companies:

a. The same terms as required of rate-of-return companies in R746-360-9(B)(1) and, for amounts that exceed two times the statewide average loop investment plus \$500, the company will provide additional amounts, up to an additional \$2,000 for each extension.

3. Other terms and conditions for service extension shall be reviewed by the Commission in its consideration of an application

and may be altered by the Commission in order to approve the use of universal service funds through the requested one-time distribution.

C. Combination of One-Time Distribution Funds with Additional Customer Funds and Future Customer Payment Recovery --

1. When the Commission grants an application and approves the use of universal service funds through a one-time distribution, 95 percent of service extension costs, above those recovered through the service extension cost recover terms specified in R746-360-9(B), shall be paid through universal service funds, up to the maximum universal service fund expenditure levels specified by this rule. The remaining five percent, or any additional amounts, shall be paid by additional customer contributions beyond those specified in R746-360-9(B).

2. Potential customers in the area shall be notified by the telecommunications corporation of the nature and extent of the proposed service extension, the Commission's approval of the application, and the necessary customer contribution amounts to participate in the project. Customer contribution payments shall be made prior to the start of construction.

3. Potential customers who are notified and initially decline participation in the line extension project, but subsequently decide to participate, prior to completion of the project, may participate in the project if they make a customer contribution payment, prior to completion of the project, of 105 percent of the original customer contribution amount.

4. For a period of five years following completion of the project, potential customers who were notified and initially declined to participate in the project, prior to its completion, may participate by making a customer contribution payment of 110 percent of the original customer contribution amount.

5. For a period of five years following completion of the project, customers who did not receive the initial notification, who seek telecommunications service in the project area, shall pay a customer contribution payment equal to the amount paid by the original customers in the project.

6. The telecommunications corporation shall ensure that all customer contribution payments required by R746-360-9(C)(3), (4), and (5) are collected. Funds received through these payments shall be sent to the universal service fund administrator.

7. For each customer added during the five-year period following project completion, the telecommunications corporation and new customers shall bear the costs to extend service pursuant to the company's service or line extension terms and conditions, up to the telecommunications corporation's original contribution per customer for the project and the customer contributions required by this rule. The company may petition the Commission for a determination of the recovery from the universal service fund and the new customer for costs which exceed this amount.

[E]D. Impact of Distribution on Rate of Return Companies -- A one-time distribution from the fund shall be recorded on the books of a rate base, rate of return regulated LEC as an aid to construction and treated as an offset to rate base.

[D]E. Notice and Hearing -- Following notice that a one-time distribution application has been filed, any interested person ~~[EE]~~ may request a hearing or seek to intervene to protect his ~~[rts]~~ interests.

[E]E. Bidding for Unserved Areas -- If only one telecommunications corporation is involved in the one-time distribution request, the distribution will be provided based on the reasonable and prudent actual or estimated costs of that company. If additional telecommunications corporations are involved, the distribution will be determined[~~A telecommunications corporation will be selected to serve in an unserved area~~] on the basis of a competitive bid. The estimated amount of the one-time distribution will be considered in evaluating each bid. Fund distributions in that area will be based on the winning bid.

KEY: public utilities, telecommunications, universal service*
[February 15,] 2001
 54-7-25
 54-7-26
 54-8b-12
 54-8b-15



Regents (Board of), Administration
R765-608
 Utah Engineering and Computer
 Science Loan Forgiveness Program

NOTICE OF PROPOSED RULE
 (New)
 DAR FILE NO.: 23907
 FILED: 07/13/2001, 15:46
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide Utah Higher Education Assistance Authority (UHEAA) policy and procedures for implementing the Utah Engineering and Computer Science Loan Forgiveness Program.

SUMMARY OF THE RULE OR CHANGE: This rule contains the provisions of the Utah Engineering Computer Science Loan Forgiveness Program, a student loan forgiveness program authorized to recruit and train engineering, computer science, and related technology students to assist in providing for and advancing the intellectual and economic welfare of the state.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53B, Chapter 6
 FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 102-325 (Higher Education Act)

ANTICIPATED COST OR SAVINGS TO:
 ♦THE STATE BUDGET: Cost of discretionary annual appropriations to fund the program. Section 53B-6-105.7 authorizes but does not require annual appropriations to fund the forgiveness of student loans. No specific amount is specified.
 ♦LOCAL GOVERNMENTS: None--No responsibilities assigned, or charges made, to local government entities.

♦OTHER PERSONS: UHEAA will expend currently budgeted resources to administer the program.
 COMPLIANCE COSTS FOR AFFECTED PERSONS: Colleges and universities will experience minor costs in certifying applicants, within currently budgeted resources.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on Utah businesses. They might experience some benefit in recruiting technical personnel.

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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner for Student Financial Aid and Executive Director of UHEAA

R765. Regents (Board of), Administration.
R765-608. Utah Engineering and Computer Science Loan Forgiveness Program.
R765-608-1. Purpose.

To provide Utah Higher Education Assistance Authority ("UHEAA") policy and procedures for implementing the Utah Engineering and Computer Science Loan Forgiveness Program ("UECLP" or "program"), UCA 53B-6, Section 105.7, enacted in S.B. 61 by the 2001 General Session of the Utah Legislature.

R765-608-2. References.
 2.1. Utah Code. Title 53B, Utah System of Higher Education, Chapter 6, Section 105-7.
 2.2. State Board of Regents Policy R610, Board of Directors of the Utah Higher Education Assistance Authority

R765-608-3. Effective Date.
These policies and procedures are effective September 1, 2001.

R765-608-4. Policy.
 4.1. Program Description - UECLP is a student loan forgiveness program authorized as part of the higher education Engineering and Computer Science Initiative established with an

effective date of July 1, 2001. UCA 53B, Section 105.7 provides for establishment of the program "to recruit and train engineering, computer science, and related technology students to assist in providing for and advancing the intellectual and economic welfare of the state," and authorizes the State Board of Regents to provide by rule for the overall administration of the program, consistent with the general student loan provisions in Title 53B and policy guidelines contained in the Section.

4.2. Program Administration - The Board of Regents has delegated to the UHEAA Board of Directors the authority to govern UECLP on behalf of the Board of Regents. The program is administered by the Associate Commissioner for Student Financial Aid as Executive Director of UHEAA, reporting to the Commissioner of Higher Education.

4.3. Program Design - The program utilizes UHEAA-guaranteed Federal Family Education Loan Program (FFELP) Stafford Student Loans and Federal Perkins Student Loans as the vehicle for providing UECLP loan forgiveness. A student enrolled at a Qualifying Institution in a Qualifying Program applies to UHEAA, with an endorsement from the dean of the school or college in which enrolled, for a Certificate for Student Loan Forgiveness which guarantees that upon completion of the requirements for loan forgiveness the Recipient will receive a direct credit for reduction of the outstanding principal balance(s) of the Recipient's outstanding Stafford or Perkins Student Loan(s). The student applies for and receives the Stafford and/or Perkins Student Loans through regular application and award procedures. Upon completion of the Qualifying Program, and Qualifying Employment, the Recipient submits an Application for Student Loan Forgiveness to UHEAA, UHEAA verifies the Recipient's qualification and the loan forgiveness amount for which the Recipient qualifies, and promptly processes the payment of outstanding principal on the Recipient's student loan(s). If the remaining principal balance on the Recipient's student loans is less than the forgiveness amount for which the Recipient qualifies, UHEAA will pay any amount above the outstanding balance directly to the Recipient, up to the amount of Stafford or Perkins Student Loan principal actually borrowed by the Recipient while enrolled in the Qualifying Program. The loan forgiveness amount for which the Recipient qualifies will include the amount of Tuition and Fees, as defined in section 4.4.9, which is applicable to the academic year for which the Application for Student Loan Forgiveness is submitted, plus the portion of the Recipient's loan interest accrued or paid which is applicable to the principal amount to be paid on the Recipient's behalf.

4.4. Definitions -

4.4.1. Qualifying Institution - A college or university of the Utah System of Higher Education (USHE) which offers one or more Qualifying Programs.

4.4.2. Qualifying Program - An accredited engineering, computer science, or related technology baccalaureate degree program.

4.4.2.1. Related technology baccalaureate degree programs shall be limited to those certified by the Commissioner of Higher Education, in accordance with such criteria as may be established pursuant to UCA 53-B-6-105.

4.4.3. Eligible Student - A student who is enrolled on a full-time basis in a Qualifying Institution in a Qualifying Program, in

good standing, and maintaining satisfactory academic progress as defined by the institution.

4.4.4. Recipient - A person who applies for and receives a UECLP Certificate for Student Loan Forgiveness from UHEAA.

4.4.5. Certificate for Student Loan Forgiveness - A certificate issued by UHEAA to an Eligible Student, which guarantees forgiveness of student loan principal plus related loan interest paid by the Recipient, up to the amount of Tuition and Fees paid for a specified number of years of enrollment in a Qualifying Program for up to a specified number of years of Qualifying Employment.

4.4.6. Stafford Student Loan - A FFELP Stafford student loan, either subsidized or unsubsidized, guaranteed by UHEAA.

4.4.6.1. A subsidized Stafford Student Loan is certified by the student's institution on the basis of financial need, and qualifies for payment of interest by the U.S. Secretary of Education on the student's behalf while the student is enrolled at least half-time and during a six-month grace period after the student graduates or ceases to be enrolled at least half-time.

4.4.6.2. An unsubsidized Stafford Student Loan is certified by the student's institution either as needed in addition to the full subsidized loan amount, or for a student who does not qualify on the basis of financial need. The recipient of an unsubsidized Stafford Student Loan is responsible for payment of interest accruing from the date of disbursement of the loan, but may choose to have the interest deferred until the loan enters repayment (at the end of the grace period), at which time the interest is capitalized and added to the outstanding principal. The interest on an unsubsidized Stafford Student Loan is at the same favorable rates as determined annually according to statute for a subsidized Stafford Student Loan.

4.4.6.3. A student is required to file a Free Application for Federal Student Aid (FAFSA) to establish eligibility for either a subsidized or an unsubsidized Stafford Student Loan, but is entitled without limitation to receive the loan, up to statutorily-specified loan amounts, if eligible.

4.4.7. Perkins Student Loan - A Federal Perkins student loan awarded by the student's institution. Availability of Perkins Student Loans is limited, based on available funds, but a Perkins Student Loan may carry a more favorable interest rate than a Stafford Student Loan. Interest on a Perkins Student Loan also is paid on behalf of the borrower while the borrower is enrolled at least half time and during the applicable grace period thereafter. A student is required to file a FAFSA to establish eligibility for a Perkins Student Loan, but might not receive the loan even if eligible, due to limited availability.

4.4.8. Year of Qualifying Employment - Full-time employment within Utah, for a full 12-month period, in a position requiring the baccalaureate degree, in engineering or in the field of computer science or in a related technology field. Provided, however, that, if a Recipient's Qualifying Employment is as a public school teacher or USHE faculty member, the annual school year or academic year contract length shall qualify as a Year of Qualifying Employment.

4.4.8.1. For purposes of this definition, employment in the fields of engineering or computer science or in a related technology field must reasonably be demonstrated to utilize skills and knowledge required for an applicable Qualifying Program.

4.4.9. Tuition and Fees - Tuition and general fees applicable to the Qualifying Program, for the institution in which the recipient

is enrolled, for a full-time-equivalent (FTE) student, as defined in annual tuition and fee schedules approved by the State Board of Regents.

4.5. Application for a Certificate for Student Loan Forgiveness - An Eligible Student may apply for a Certificate for Student Loan Forgiveness at any time during an academic year in which enrolled in a Qualifying Program. The application may be for the year in which currently enrolled and subsequent years, except that it may not include years prior to the academic year during which the application is submitted and the total number of years covered by the application may not exceed five.

4.5.1 The application shall include a declaration of intent to complete the Qualified Program in which enrolled, or an equivalent Qualifying Program, and to work within Utah in Qualifying Employment for a period of four years after graduation.

4.6. Application for Student Loan Forgiveness - A Recipient may apply for forgiveness of the amount of one year of Tuition and Fees paid, as a reduction in outstanding loan principal or as a direct payment as provided for in 4.3, after each completed Year of Qualifying Employment covered by the Certificate for Loan Forgiveness, subject to the following limitation:

4.6.1. The Certificate for Student Loan Forgiveness shall provide that its guarantee, and the Recipient's eligibility to submit an Application for Student Loan Forgiveness, shall expire at the end of the 72nd month (six years) after the Recipient's date of graduation with the baccalaureate degree. Provided, however, that a period of full-time enrollment in a graduate degree program related to the Recipient's Qualifying Program shall not be counted as part of the 72 months following the Recipient's graduation with the baccalaureate degree.

4.7. Eligibility for UHEAA Borrower Benefits - Regardless of whether or not the Recipient qualifies for and receives forgiveness of any part of the principal on a Stafford Student Loan, the Recipient will remain eligible for all forbearances, deferments, and other statutory privileges under the FFELP, and also shall remain eligible for all applicable principal reductions and interest rate reductions under UHEAA's borrower benefit programs. A Recipient who does qualify for and receive forgiveness of principal on a Stafford Student Loan under UECLP also shall remain eligible for all applicable principal reductions and interest rate reductions under UHEAA's borrower benefit programs.

4.8 Limited Availability and Allocation Principles - Funding for UECLP is dependent on annual legislative appropriations, and the ability to underwrite Certificates for Student Loan Forgiveness is limited. The Program Administrator shall establish an application and award calendar annually after the amount available for new awards is determined. Selection criteria established as part of the annual calendar shall include an initial tentative allocation by Qualifying Institutions proportionate to the number of engineering and computer science baccalaureate degrees awarded by each institution in the most recent academic year for which information is available, except that a minimum amount of \$10,000 or five percent of the amount available, whichever is the lesser, shall be established for each Qualifying Institution. Selection of Recipients from applicants certified by a Qualifying Institution may take into account recommendations from an official designated by the president of the institution or may be on the basis of the order of receipt of the applications for Certificates for Student Loan Forgiveness.

KEY: higher education, student loans*

2001

53B-6



Tax Commission, Auditing
R865-9I-14
 Requirement of Withholding Pursuant
 to Utah Code Ann. Sections 59-10-401,
 59-10-402, and 59-10-403

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23910

FILED: 07/16/2001, 14:08

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Technical changes only.

SUMMARY OF THE RULE OR CHANGE: Amendment updates federal citation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-10-401, 59-10-402, and 59-10-403

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--Technical changes only to update federal citation.

❖LOCAL GOVERNMENTS: None--Technical changes only to update federal citation.

❖OTHER PERSONS: None--Technical changes only to update federal citation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Amendment corrects federal citation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact. This is technical in nature.

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

Tax Commission
 Auditing
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

Tax Commission, Auditing
R865-19S-90
Telephone Service Defined Pursuant to
Utah Code Ann. Section 59-12-103

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23911

FILED: 07/16/2001, 14:08

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-103 imposes sales tax on intrastate telephone service. Section 59-12-102, amended by 2001 S.B. 213, defines telephone service as a two-way transmission. The Utah Supreme Court in *Industrial Communications, Inc. vs. Utah State Tax Commission*, states that charges for one-way pager services are not taxable telephone services.

(DAR Note: S.B. 213 can be found at 2001 Utah Laws 188 and was effective July 1, 2001.)

SUMMARY OF THE RULE OR CHANGE: Proposed amendment deletes language codified in 2001 S.B. 213; conforms to the recent Utah Supreme court ruling in *Industrial Communications, Inc. vs. Utah State Tax Commission*, 2000 Utah Lexis 122 (2000) that chargers for one-way pager services are not taxable; defines two-way transmissions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-103

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Unknown decrease. Because charges for one-way pager services were subject to sales tax prior to the court ruling, this change in practice, subsequently codified in 2001 S.B. 213, will decrease sales tax revenues. The amount of the decrease is unknown.

❖**LOCAL GOVERNMENTS:** Unknown decrease. Because charges for one-way pager services were subject to sales tax prior to the court ruling, this change in practice, subsequently codified in 2001 S.B. 213, will decrease sales tax revenues. The amount of the decrease is unknown.

❖**OTHER PERSONS:** Unknown aggregate savings. Individuals who were paying sales tax on one-way pager services will no longer pay that tax.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None-- Individuals will no longer be required to pay taxes on one-way pager services. Entities that previously collected sales tax on the one-way pager services will no longer be required to do so.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses using one way pager services will no longer pay sales tax resulting in an unknown positive fiscal impact.

R865. Tax Commission, Auditing.

R865-9I. Income Tax.

R865-9I-14. Requirement of Withholding Pursuant to Utah Code Ann. Sections 59-10-401, 59-10-402, and 59-10-403.

A. Except as otherwise provided in statute or this rule, every employer shall withhold Utah income taxes from all wages paid:

1. to a nonresident employee for services performed within Utah,

2. to a resident employee for all services performed, even though such services may be performed partially or wholly without the state.

B. If the services performed by a resident employee are performed in another state of the United States, the District of Columbia, or a possession of the United States that requires withholding on wages earned, the withholding tax for Utah shall be the Utah tax required to be withheld less the tax required to be withheld under the laws, rules, and regulations of that other state, District of Columbia, or possession of the United States.

C. If the duties of a nonresident employee involve work both within and without the state, tax is withheld from that portion of the total wages that is properly allocable to Utah. The method of allocation is subject to review by the Tax Commission and may be subject to change if it is determined to be improper.

D. Income tax treatment of rail carrier and motor carrier employees is governed by 49 U.S.C. Section ~~11504~~4503.

E. Withholding required under Section 59-10-402 is required for all wages that are:

1. subject to withholding for federal income tax purposes;
2. paid to individuals who are deemed employees as determined by the Tax Commission, using Internal Revenue Service guidelines.

F. The number of exemptions claimed for federal withholding shall be the number of exemptions claimed for state withholding purposes.

G. Employers should use Utah income tax withholding schedules or tables published by the Tax Commission in computing the amount of state income tax withheld from their employees.

KEY: historic preservation, income tax, tax returns, enterprise zones

~~[August 31, 2000]~~2001

Notice of Continuation May 22, 1997

59-10-401
through
59-10-403



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

Tax Commission
Auditing
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-90. Telephone Service[~~Defined~~] Pursuant to Utah Code Ann. Section 59-12-103.

A. Definitions.

1. "Interstate" means a transmission that originates in this state but terminates in another state, or a transmission that originates in another state but terminates in this state.

2. "Intrastate" means a transmission that originates and terminates in this state, even if the route of the transmission signal itself leaves and reenters the state. Prepaid telephone services or service contracts are presumed to be used for intrastate telephone services unless the service contract is sold exclusively for use in interstate communications.

3. "Private communication services" means a telephone service that entitles subscribers or users to use[~~of~~] a communication line or channel or group of lines or channels.

[4. "Telephone corporation" means any corporation owning, controlling, operating or managing any telephone service for the shared use with or resale to any person on a regular basis whether or not regulated by the Public Service Commission.

~~5. "Telephone service" means the transmission for hire of signs, signals, writings, images, sounds, messages, data, or other information of any nature by wire, cable, radio waves, microwaves, light waves, satellite, fiber optics, or any other method now in existence or that may be devised, and includes:~~

- ~~a) cellular telephone service and cellular telephone service contracts;~~
- ~~b) private communications services;~~
- ~~c) automated digital telephone answering services; and~~
- ~~d) pager services.]4. "Two-way transmission" includes any services provided over a public switched network.~~

B. Taxable telephone service charges include:

- 1. subscriber access fees;
- 2. charges for optional telephone features, such as call waiting, caller [~~id~~]ID, and call forwarding; and

3. nonrecurring charges that are ordinarily charged to subscribers only once or only under exceptional circumstances, including charges to:

- a) establish, change, or disconnect telephone service or optional features; and
- b) install or repair telephone equipment that retains its character as tangible personal property under R865-19S-58 and R865-19S-78.

C. Nontaxable charges include:

- 1. refundable subscriber deposits, interest, and late payment penalties;
- 2. charges for interstate long distance or toll calls;
- 3. telephone answering services received or relayed by a human operator;
- 4. charges to install or repair subscriber equipment that is regarded as real property under R865-19S-58 and R865-19S-78;
- 5. charges levied on subscribers to fund or subsidize special telephone services, including 911 service, special communications services for the deaf, and special telephone service for low income subscribers;
- 6. subscriber charges for cable or satellite television transmissions, unless those charges are considered user fees under R865-19S-108;~~and~~
- 7. contributions in aid of construction, land development fees, payments in lieu of land development fees, and special plant construction and relocation charges~~[-]; and~~
- 8. charges for one-way pager services.

KEY: charities, tax exemptions, religious activities, sales tax
[December 19, 2000]2001 59-12
Notice of Continuation May 22, 1997



Tax Commission, Auditing
R865-19S-98
Sales to Nonresidents of Vehicles, Off-highway Vehicles, and Boats Required to be Registered, and Sales to Nonresidents of Boat Trailers and Outboard Motors Pursuant to Utah Code Ann. Section 59-12-104

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23912
FILED: 07/16/2001, 14:08
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Proposed amendment updates incorrect statutory reference and clarifies when an individual is a nonresident. This clarification reflects Tax Commission practice.

SUMMARY OF THE RULE OR CHANGE: Section 59-12-104 provides a sales tax exemption for purchases of motor vehicles by nonresidents if those vehicles are not afterwards registered or used in the state.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--Amendments clarify current Tax Commission practice.

❖LOCAL GOVERNMENTS: None--Amendments clarify current Tax Commission practice.

❖OTHER PERSONS: None--Amendments clarify current Tax Commission practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Amendments clarify current Tax Commission practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes made to this rule will create no fiscal impact since it just clarifies current practice.

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

Tax Commission
Auditing
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-19S. Sales and Use Tax.

R865-19S-98. Sales to Nonresidents of Vehicles, Off-highway Vehicles, and Boats Required to be Registered, and Sales to Nonresidents of Boat Trailers and Outboard Motors Pursuant to Utah Code Ann. Section 59-12-104.

A. Definitions.

1. "Person" means any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any group or combination, acting as a unit.

2. "Use" means mooring, slipping, and dry storage as well as the actual operation of vehicles.

3. "Vehicle" means a motor vehicle, trailer, semitrailer, off-highway vehicle, boat, boat trailer, or outboard motor.

B. In order to qualify as a nonresident for the purpose of exempting vehicles from sales tax under Subsections 59-12-104(9) and ~~[59-12-104(32)]~~59-12-104(31), a person may not:

1. be a resident of this state. The fact that a person leaves the state temporarily is not sufficient to terminate residency;

2. be engaged in intrastate business ~~[and operate the purchased vehicle as part of the business within this state];~~

3. maintain a vehicle with this state designated as the home state;

4. except in the case of a tourist temporarily within this state, own, lease, or rent a residence or a place of business within this state, or occupy or permit to be occupied a Utah residence or place of business;

5. except in the case of an employee who can clearly demonstrate that the use of the vehicle in this state is to commute to work from another state, be engaged in a trade, profession, or occupation or accept gainful employment in this state;

6. allow the purchased vehicle to be kept or used by a resident of this state; or

7. declare residency in Utah to obtain privileges not ordinarily extended to nonresidents, such as attending school or placing children in school without paying nonresident tuition or fees, or maintaining a Utah driver's license.

C. A nonresident owner of a vehicle described in Section 59-12-104(9) may continue to qualify for the exemption provided by that section if use of the vehicle in this state is infrequent, occasional, and nonbusiness in nature.

D. A nonresident owner of a vehicle described in Subsection ~~[59-12-104(32)]~~59-12-104(31) may continue to qualify for the exemption provided by that section if use of the vehicle in this state does not exceed 14 days in any calendar year and is nonbusiness in nature.

E. Vehicles are deemed not used in this state beyond the necessity of transporting them to the borders of this state if purchased by:

1. a nonresident student who will be permanently leaving the state within 30 days of the date of purchase; or

2. a nonresident member of the military stationed in Utah, but with orders to leave the state permanently within 30 days of the date of purchase.

F. Purchasers claiming this exemption must complete a nonresident affidavit. False, misleading, or incomplete responses shall invalidate the affidavit and subject the purchaser to tax, penalties, and interest.

G. A dealer of vehicles who accepts an incomplete affidavit, may be held liable for the appropriate tax, interest, and penalties.

H. A dealer of vehicles who accepts an affidavit with information that they know or should have known is false, misleading or inappropriate may be held liable for the appropriate tax, interest, and penalties.

KEY: charities, tax exemptions, religious activities, sales tax
~~[December 19, 2000]~~2001 59-12
Notice of Continuation May 22, 1997

◆ _____ ◆

Tax Commission, Auditing
R865-19S-106
Tourism Marketing Performance Fund
Pursuant to Utah Code Ann. Section 9-
2-1702 and 9-2-1703

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23913
 FILED: 07/16/2001, 14:08
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: 2001 H.B. 107 places into statute language indicating that the measurement is performed on a fiscal year basis. Accordingly, the section is no longer necessary. (DAR Note: H.B. 107 can be found at 2001 Utah Laws 159 and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: The section is repealed because the substance of the rule has recently been incorporated into statute.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 9-2-1702 and 9-2-1703

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--The substance of the repealed language has been placed into statute by 2001 H.B. 107.
 - ❖LOCAL GOVERNMENTS: None--The substance of the repealed language has been placed into statute by 2001 H.B. 107.
 - ❖OTHER PERSONS: None--The substance of the repealed language has been placed into statute by 2001 H.B. 107.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The Tax Commission has always performed the required measurement on a fiscal year basis and that practice is continued under 2001 H.B. 107.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business as a result of this section being repealed.

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

Tax Commission
 Auditing
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
~~**[R865-19S-106. Tourism Marketing Performance Fund Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703.**~~

~~—A. For purposes of clarifying the measurement upon which an appropriation to the Tourism Marketing Performance Fund is based, "previous year's sales tax receipts," and "previous year's taxable sales" mean sales that occurred between the previous July 1 through June 30.]~~

KEY: charities, tax exemptions, religious activities, sales tax
[December 19, 2000]2001 **59-12**
Notice of Continuation May 22, 1997



Tax Commission, Auditing
R865-19S-113
Sales and Use Tax Exemption for
Hearing Aids and Hearing Aid
Accessories Pursuant to Utah Code
Ann.
Sections 59-12-103 and 59-12-104

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23914
 FILED: 07/16/2001, 14:08
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-104 provides a sales tax exemption for sales of hearing aids and hearing aid accessories.

SUMMARY OF THE RULE OR CHANGE: Proposed section indicates that the sales tax exemption for hearing aids and hearing aid accessories does not apply to charges for parts or labor used in the repair of a hearing aid and hearing aid accessory.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-12-103 and 59-12-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: If vendors had not been collecting sales tax on charges for repairs to hearing aids, there would be an immaterial increase in sales tax revenues.

❖LOCAL GOVERNMENTS: If vendors had not been collecting sales tax on charges for repairs to hearing aids, there would be an immaterial increase in sales tax revenues.

❖OTHER PERSONS: If vendors had not been collecting sales tax on charges for repairs to hearing aids, the consumer would be required to pay sales tax on the charge for repairs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Vendors that have not been collecting sales tax on charges for repairs would collect sales tax on the repairs and remit that sales tax to the Tax Commission.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on businesses. There is no change for those businesses currently collecting sales tax on repairs of hearing aids. The businesses not currently charging sales tax will be required to collect the sales tax from the customer and remit to the state.

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

Tax Commission
Auditing
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

End of the Notices of Proposed Rules Section

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.**R865-19S. Sales and Use Tax.****R865-19S-113. Sales and Use Tax Exemption for Hearing Aids and Hearing Aid Accessories Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104.**

The sales and use tax exemption for sales of hearing aids and hearing aid accessories does not apply to charges for parts or labor used in the repair of a hearing aid or hearing aid accessory.

KEY: charities, tax exemptions, religious activities, sales tax
[~~December 19, 2000~~2001] 59-12
Notice of Continuation May 22, 1997

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends August 31, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through November 29, 2001, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and
Professional Licensing

R156-31b

Nurse Practice Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23631
FILED: 07/16/2001, 13:42
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing and additional comments received by the Division, additional changes need to be made in the proposed rule.

SUMMARY OF THE RULE OR CHANGE: In Section R156-31b-102 - two definitions have been added for "disruptive behavior" and "patient surrogate". In Section R156-31b-502, defining unprofessional conduct, modifications were made to the definition regarding engaging in sexual contact with a patient surrogate concurrent with the nurse/patient relationship and to the definition regarding disruptive behavior in the practice of nursing. In Section R156-31b-601, modifications were made in the Nursing Education Program Standards to update to the most current standards.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the May 1, 2001, issue of the *Utah State Bulletin*, on page 10. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-31b-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division does not expect to incur any additional costs beyond those already identified in the prior proposed rule filing as a result of these additional changes.

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

❖OTHER PERSONS: The Division does not anticipate any additional costs or savings beyond those savings identified in the prior proposed rule filing. The newly identified nursing standards are available on the Internet and therefore, no cost is involved to obtain that information.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any additional costs or savings beyond those savings identified in the prior proposed rule filing. The newly identified nursing standards are available on the

Internet and therefore, no cost is involved to obtain that information.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Division does not anticipate any additional costs or savings beyond those savings identified in the prior proposed rule filing. The newly identified nursing standards are available on the Internet and therefore, no cost is involved to obtain that information. Ted Boyer, Jr., Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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.poe@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 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.

R156-31b. Nurse Practice Act Rules.

R156-31b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 31b, as defined or used in these rules:

- (1) "APRN" means an advanced practice registered nurse.
- (2) "Approved continuing education" in Subsection R156-31b-303(3) means:

(a) continuing education that has been approved by a professional nationally recognized approver of health related continuing education;

(b) nursing education courses taken from an approved education program as defined in Section R156-31b-601; and

(c) health related course work taken from an educational institution accredited by a regional institutional accrediting body identified in the "Accredited Institutions of Postsecondary Education", 1997-98 edition, published for the Commission of Recognition of Postsecondary Accreditation of the American Council on Education.

(3) "Approved education program" as defined in Subsection 58-31b-102(3) is further defined to include any nursing education program published in the documents entitled "State-Approved Schools of Nursing RN", 1998, and "State-Approved Schools of Nursing LPN/LVN", 1998, published by the National League for

Nursing Accrediting Commission, which are hereby adopted and incorporated by reference as a part of these rules.

(4) "CCNE" means the Commission on Collegiate Nursing Education.

(5) "Contact hour" means 50 minutes.

(6) "CGFNS" means the Commission on Graduates of Foreign Nursing Schools.

(7) "CRNA" means a certified registered nurse anesthetist.

(8) "Delegation" means transferring to an individual the authority to perform a selected nursing task in a selected situation. The nurse retains accountability for the delegation.

(9) "Direct supervision" is the supervision required in Subsection 58-31b-306(1)(a)(iii) and means:

(a) the person providing supervision shall be available on the premises at which the supervisee is engaged in practice; or

(b) if the supervisee is specializing in psychiatric mental health nursing, the supervisor may be remote from the supervisee if there is personal direct voice communication between the two prior to administering or prescribing a prescription drug.

(10) "Disruptive behavior", as used in these rules, means conduct, whether verbal or physical, that is demeaning, outrageous, or malicious and that places at risk patient care or the process of delivering quality patient care. Disruptive behavior does not include criticism that is offered in good faith with the aim of improving patient care.

(~~10~~11) "Generally recognized scope and standards of advanced practice registered nursing" means the scope and standards of practice set forth in the "Scope and Standards of Advanced Practice Registered Nursing", 1996, published by the American Nurses Association, which is hereby adopted and incorporated by reference, or as established by the professional community.

(~~11~~12) "Generally recognized scope of practice of licensed practical nurses" means the scope of practice set forth in the "Model Nursing Administrative Rules", 1994, published by the National Council of State Boards of Nursing, which is hereby adopted and incorporated by reference, or as established by the professional community.

(~~12~~13) "Generally recognized scope of practice of registered nurses" means the scope of practice set forth in the "Standards of Clinical Nursing Practice", 2nd edition, 1998, published by the American Nurses Association, which is hereby adopted and incorporated by reference, or as established by the professional community.

(~~13~~14) "Licensure by equivalency" as used in these rules means licensure as a licensed practical nurse after successful completion of course work in a registered nurse program which meets the criteria established in Section R156-31b-601.

(~~14~~15) "LPN" means a licensed practical nurse.

(~~15~~16) "NLNAC" means the National League for Nursing Accrediting Commission.

(~~16~~17) "NCLEX" means the National Council Licensure Examination of the National Council of State Boards of Nursing.

(~~17~~18) "Non-approved education program" means any foreign nurse education program.

(~~18~~19) "Other specified health care professionals", as used in Subsection 58-31b-102(12), who may direct the licensed practical nurse means:

(a) advanced practice registered nurse;

(b) certified nurse midwife;

(c) chiropractic physician;

(d) dentist;

(e) osteopathic physician;

(f) physician assistant;

(g) podiatric physician; and

(h) optometrist.

(20) "Patient surrogate", as used in Subsection R156-31b-502(4), means an individual who has legal authority to act on behalf of the patient when the patient is unable to act or decide for himself, including a parent, foster parent, legal guardian, or a person designated in a power of attorney.

(~~19~~21) "RN" means a registered nurse.

(~~20~~22) "Supervision" in Section R156-31b-701 means the provision of guidance or direction, evaluation and follow up by the licensed nurse for accomplishment of a task delegated to unlicensed assistive personnel or other licensed individuals.

(~~21~~23) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 31b, is further defined in Section R156-31b-502.

R156-31b-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to destroy a license which has expired due to the issuance and receipt of an increased scope of practice license;

(2) an RN issuing a prescription for a prescription drug to a patient except in accordance with the provisions of Section 58-17a-620, or as may be otherwise provided by law;

(3) failing as the nurse accountable for directing nursing practice of an agency to verify any of the following:

(a) that standards of nursing practice are established and carried out so that safe and effective nursing care is provided to patients;

(b) that guidelines exist for the organizational management and management of human resources needed for safe and effective nursing care to be provided to patients;

(c) nurses' knowledge, skills and ability and determine current competence to carry out the requirements of their jobs;

(4) engaging in sexual contact with a patient surrogate concurrent with the nurse/patient relationship unless the nurse affirmatively shows by clear and convincing evidence that the contact:

(a) did not result in any form of abuse or exploitation of the surrogate or patient; and

(b) did not adversely alter or affect in any way:

(i) the nurse's professional judgment in treating the patient;

(ii) the nature of the nurse's relationship with the surrogate; or

(iii) the nurse/patient relationship; and

(5) engaging in [~~the practice of nursing in a~~]disruptive behavior in the practice of nursing[~~manner including aberrant behavior manifested through personal interaction with health care professions, hospital personnel, patients, family members, or others; which interferes with patient care or could reasonably be expected to interfere with the process of delivering quality care~~].

R156-31b-601. Nursing Education Program Standards.

In accordance with Subsection 58-31b-601(2), the minimum standards that a nursing education program must meet to qualify graduates for licensure under this chapter, which are hereby adopted and incorporated by reference, are respectively:

(1) [~~the "Interpretive Guidelines for Standards and Criteria, Practical Nursing Programs", 1997 Revised, published by the NLNAC:~~

~~(2) the "Interpretive Guidelines for Standards and Criteria, Associate Degree Programs in Nursing, 1997 Revised, published by the NLNAC:~~

~~(3) the "Interpretive Guidelines for Standards and Criteria, Baccalaureate and Higher Degree Programs in Nursing, 1997 Revised, published by the NLNAC, or]the "Standards of Accreditation of Baccalaureate and Graduate Nursing Education Programs", [February]August 1998, published by the CCNE; or~~

(2) the standards found in the "Accreditation Manual and Interpretative Guidelines by Program Type for Post Secondary, Baccalaureate, and Higher Degree Programs in Nursing", 2001 Revised, published by the NLNAC.

**KEY: licensing, nurses
2001**

**58-31b-101
58-1-106(1)
58-1-202(1)**



Environmental Quality, Solid and Hazardous Waste

R315-2

General Requirements - Identification and Listing of Hazardous Waste

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23763
FILED: 07/13/2001, 15:12
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule corrects language that was written for a specific business. Rules cannot be written for identified businesses.

SUMMARY OF THE RULE OR CHANGE: This change in proposed rule eliminates language that was written for a specific business. Instead, federal language is incorporated by reference.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the June 1, 2001, issue of the *Utah State Bulletin*, on page 27. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 261.4(b)(18), 2001 ed.

ANTICIPATED COST OR SAVINGS TO:

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

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

❖OTHER PERSONS: This change in proposed rule does not affect compliance costs. The requirements are the same, only the wording has been changed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change in proposed rule does not affect compliance costs. The requirements are the same, only the wording has been changed.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/04/2001

AUTHORIZED BY: Dennis R. Downs, Director

**R315. Environmental Quality, Solid and Hazardous Waste.
R315-2. General Requirements - Identification and Listing of Hazardous Waste.
R315-2-4. Exclusions.**

.....

(b) SOLID WASTES WHICH ARE NOT HAZARDOUS WASTES.

The following solid wastes are not hazardous wastes:

(1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered, such as refuse-derived fuel or reused. "Household waste" means any material, including garbage, trash and sanitary wastes in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if the facility:

(i) Receives and burns only

(A) Household waste, from single and multiple dwellings, hotels, motels, and other residential sources and

(B) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

(ii) The facility does not accept hazardous wastes and the owner or operator of the facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in the facility.

.....

~~[(16) By-products resulting from the production of automobile air bag gas generants at the Autoliv ASP Inc. facility in Promontory Utah, (Autoliv) are exempt from the D003 listing, for a period of five years from the date R315-2-4(b)(16) became effective provided that:~~

~~(i) The by-product gas generants are processed on-site in Autoliv's Metal Recovery Furnace (MRF):~~

~~(A) By-product gas generants must only be fed to the MRF when it is operating in conformance with the State of Utah, Division of Air Quality's Approval Order DAQE-549-97.~~

~~(B) Combustion gas temperature must be maintained below 400 degrees Fahrenheit at the baghouse inlet.~~

~~(ii) Prior to processing in the MRF, the by-product gas generants are managed in accordance with the requirements specified in R315-5-3.34 which incorporates by reference 40 CFR 262.34.~~

~~(iii) The Autoliv facility and the MRF are operated and managed in accordance with the requirements of R315-7-8 through R315-7-12, R315-7-14 through R315-7-16, and R315-7-22.~~

~~(iv) Residues derived from the processing of by-product gas generants in the MRF are managed in accordance with the requirements specified in R315-5 and R315-13-1, which incorporates by reference 40 CFR 268.~~

~~(v) The following testing of the MRF's stack gas emissions is conducted:~~

~~(A) An initial test shall be conducted within 30 operating days of starting feed of by-product gas generants to the MRF. EPA may extend this deadline, at the request of Autoliv, when good cause is shown. The initial test shall consist of three duplicate runs sampling for:~~

~~(1) Particulate matter using Method 5 as specified in 40 CFR Part 60, Appendix A.~~

~~(2) The metals Aluminum, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Lead, and Nickel using Method 29 as specified in 40 CFR Part 60, Appendix A~~

~~(3) Polychlorinated di-benzo dioxins and furans using Method 23-0023A as specified in 40 CFR Part 60, Appendix A.~~

~~(4) Carbon monoxide using Method 10 as specified in 40 CFR Part 60, Appendix A.~~

~~(B) After the initial test is completed, an annual stack test (12 months from the previous initial stack test) of the MRF shall be conducted. The annual tests shall consist of three duplicate runs using Method 29 and Method 5 as specified in 40 CFR Part 60, Appendix A.~~

~~(C) Testing shall be conducted while by-product gas generants are fed to the MRF at no less than 90% of the planned maximum feed rate, and with the MRF operating parameters within normal ranges.~~

~~(D) Initial stack testing results and additional project performance data and information, including the quantity of by-product gas generants processed and the operating parameter values during the test runs, will be submitted by Autoliv to the State of Utah and EPA within 60 days of the completion of the initial stack test.~~

~~(E) Annual stack test results and additional project performance data and information, including the quantity of by-product gas generants processed and the operating parameter values during the test runs, will be submitted by Autoliv to EPA and the State of Utah within 60 days of the completion of the annual test.~~

~~(vi) Combustion gas discharged to the atmosphere from the MRF meets the following limits:~~

~~(A) Dioxin emissions do not exceed 0.4 ng per dry standard cubic meter on a toxicity equivalent quotient (TEQ) basis corrected to 7% Oxygen.~~

~~(B) Combined lead and cadmium emissions do not exceed 240 ug per dry standard cubic meter corrected to 7% Oxygen.~~

~~(C) Combined arsenic, beryllium, and chromium emissions do not exceed 97 ug per dry standard cubic meter corrected to 7% Oxygen.~~

~~(D) Particulate matter emissions do not exceed 34 mg per dry standard cubic meter corrected to 7% Oxygen.~~

~~(E) If the limits specified in R315-2-4(b)(16)(vi)(A) through (D) are exceeded, Autoliv shall discontinue feeding gas generants to the MRF until such time as Autoliv can demonstrate to EPA and the state of Utah satisfaction that the MRF combustion gas emissions can meet the limits specified in R315-2-4(b)(16)(vi)(A) through (D).~~

~~(vii) No by-product gas generants or other pyrotechnic wastes generated off-site will be received at the Autoliv facility in Promontory, Utah or processed in the MRF unless otherwise allowed by law (permit or regulation).~~

~~(viii) Autoliv will provide EPA and the state of Utah with semi-annual reports (by January 30 and July 30 of each year).~~

~~(A) The semi-annual reports will document the amounts of by-product gas generants processed during the reporting period.~~

~~(B) The semi-annual reports will provide a summary of the MRF Operating Record during the reporting period, including information on by-product gas generant composition, average feed rates, upset conditions, and spills or releases.~~

~~(ix) No significant changes are made to the operating parameter production values of Autoliv's production of air bag gas generants such that any of the constituents listed in R315-50-9, which incorporates by reference 40 CFR 261 appendix VIII, are introduced into the process.~~

~~(x) Autoliv reports to the EPA any noncompliance which may endanger health or the environment orally within 24 hours from the time Autoliv becomes aware of the circumstances, including:~~

~~(A) Any information of a release, discharge, fire, or explosion from the MRF, which could threaten the environment or human health.~~

~~(B) The description of the occurrence and its cause shall include:~~

- ~~(1) Name, address, and telephone number of the facility;~~
- ~~(2) Date, time, and type of incident;~~
- ~~(3) Name and quantity of material(s) involved;~~
- ~~(4) The extent of injuries, if any;~~
- ~~(5) An assessment of actual or potential hazards to the environment and human health, and;~~
- ~~(6) Estimated quantity and disposition of recovered material that resulted from the incident.~~

~~(C) A written notice shall also be provided within five days of the time Autoliv becomes aware of the circumstances. The written notice shall contain a description of the non-compliance and its cause, the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The EPA may waive the five day written notice requirement in favor of a written report within fifteen days.~~

~~(xi) Notifications and submissions made under R315-2-4(b)(16) shall be sent to the Regional Assistant Administrator for the Office of Partnerships and Regulatory Assistance, U.S. EPA, Region 8 and the Executive Secretary of the Utah Solid and Hazardous Waste Control Board. (16) The requirements as found in 40 CFR 261.4(b)(18), 2001 ed., are adopted and incorporated by reference with the following exceptions:~~

~~(a) Substitute "EPA and the Executive Secretary" for all federal regulation references made to "EPA";~~

~~(b) Substitute "Executive Secretary" for all federal regulation references made to "state of Utah."~~

~~(c) HAZARDOUS WASTES WHICH ARE EXEMPTED FROM CERTAIN RULES.~~

A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit is not subject to these regulations or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of products or raw materials.

.....

KEY: hazardous waste

2001

Notice of Continuation March 12, 1997

19-6-105

19-6-106



Environmental Quality, Solid and Hazardous Waste **R315-101** Cleanup Action and Risk-Based Closure Standards

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23554
FILED: 07/13/2001, 15:12
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule is a result of comments received during the public comment period for the amendment.

SUMMARY OF THE RULE OR CHANGE: This change in proposed rule corrects an inconsistency where the wording "based on the approved assessment conducted in accordance with Subsection R315-101-5.3(a)(8)" was not included in all applicable sections.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the April 1, 2001, issue of the *Utah State Bulletin*, on page 15. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106

ANTICIPATED COST OR SAVINGS TO:

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

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

❖OTHER PERSONS: This change in proposed rule does not affect compliance costs. It only makes clarification changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change in proposed rule does not affect compliance costs. It only makes clarification changes.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/04/2001

AUTHORIZED BY: Dennis R. Downs, Director

**R315. Environmental Quality, Solid and Hazardous Waste.
R315-101. Cleanup Action and Risk-Based Closure Standards.**

.....

R315-101-6. Risk Management: Site Management Plan and Closure Equivalency.

(a) A site management plan which is supported by the findings in the approved risk assessment report shall be submitted to the Executive Secretary within 60 days of approval of the risk assessment report. This plan may be submitted along with the risk assessment report and must include a schedule for implementation.

(b) The Executive Secretary shall review and approve or disapprove of the conclusions of the proposed site management plan. If the Executive Secretary finds that the site management plan is not adequate for protection of human health and the environment, the responsible party shall then submit a revised site management plan addressing the comments of the Executive Secretary within an appropriate time frame as specified by the Executive Secretary. The Executive Secretary shall review and approve or reject the revised site management plan. Upon draft approval of the site management plan, the Executive Secretary shall follow the requirements of R315-101-7 prior to issuance of final approval. The approved site management plan shall be implemented according to the approved schedule. If the Executive Secretary rejects this revised site management plan, the revised plan will be considered deficient for the reasons specified by the Executive Secretary in a statement of disapproval.

(c)(1) The site management plan may contain a no further action option only if the level of risk present at the site is below 1×10^{-6} for carcinogens and a Hazard Index of "less than or equal to one" for non-carcinogens based on the approved assessment conducted in accordance with R315-101-5.2(b)(1) and the Executive Secretary determines that ecological effects are insignificant based on the approved assessment conducted in accordance with R315-101-5.3(a)(8);

(2) The requirements of R315-3-1.1(e)(5) and (6) shall be deemed met for a hazardous waste management unit if the level of risk present at the site is below 1×10^{-6} for carcinogens and a Hazard Index of "less than or equal to one" for non-carcinogens based on the risk assessment conducted in accordance with R315-101-5.2(b)(1) and the Executive Secretary determines that ecological effects are insignificant based on the approved assessment conducted in accordance with R315-101-5.3(a)(8). If this risk exposure criterion is met, a request for a risk-based closure may be submitted; or

(3) If the risk present at the site is greater than or equal to 1×10^{-6} for carcinogens or a Hazard Index of "greater than one" for non-carcinogens based upon the exposure assessment conducted in accordance with R315-101-5.2(b)(1), or the Executive Secretary determines that ecological effects may be significant based on the approved assessment conducted in accordance with R315-101-5.3(a)(8), a risk-based closure will not be granted. The responsible party shall then submit a site management plan fulfilling the requirements of R315-101-6(d) or (e) as applicable.

(d) If the level of risk present at the site is less than 1×10^{-4} for carcinogens and a hazard index is "less than or equal to one" for the risk assessment conducted in accordance with R315-101-5.2(b)(2) but greater than or equal to 1×10^{-6} for carcinogens or a hazard index is greater than one for a risk assessment conducted in accordance with R315-101-5.2(b)(1) or the Executive Secretary determines that ecological effects may be significant based on the approved assessment conducted in accordance with R315-101-5.3(a)(8), the site management plan may contain, but is not required to contain, procedures for corrective action. The site management plan shall contain appropriate management activities e.g., monitoring, deed notations, site security, or post-closure care, as determined on a case-by-case basis in accordance with criteria identified in R315-101-1(b)(4).

(e) The site management plan must contain procedures for corrective action if the level of risk present at the site is greater than or equal to 1×10^{-4} for carcinogens or a Hazard Index of "greater than one" for non-carcinogens based on the approved assessment conducted in accordance with R315-101-5.2(b)(2) or the Executive Secretary concludes that corrective action is required to mitigate ecological effects based on the approved assessment conducted in accordance with R315-101-5.3(a)(8). For determination of appropriate corrective action the criteria identified in R315-101-1(b)(4) shall be considered.

(f) If hazardous constituents are present only in groundwater at the site, and if the hazardous constituents are listed in Table 1 of R315-8-6.5, the Maximum Concentration Levels listed in Table 1 can be presented in lieu of health risk estimates for those constituents. The RME for Table 1 constituents must be determined in accordance with approved site characterization methods listed in R315-101-4.

KEY: hazardous waste

2001

19-6-105

Notice of Continuation June 13, 1997

19-6-106



End of the Notices of Changes in 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).

Commerce, Occupational and Professional Licensing **R156-69** Dentist and Dental Hygienist Practice Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23878
FILED: 07/05/2001, 08:43
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 69 provides for the licensure of dentists and dental hygienists. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-69-201(3) provides that the Dentist and Dental Hygienist Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 69 with respect to dentists and dental hygienists.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1996, the rule has been amended four times. In September 1996, the Division received a written comment from Dr. Richard Engar suggesting changes to the proposed rule. Additional written comments were also submitted with respect to laser bleaching during the

September 6, 1996, rule hearing. As a result of the written comments submitted with respect to the 1996 rule filing, additional changes to the rule were filed and made effective in May 1997. In March 1998, the Division received a written comment from Dr. Floyd R. Tanner opposing the proposed changes the Division was making in the rule wherein additional regional testing examinations would be allowed. The Division noted Dr. Tanner's comments and the rule was made effective on April 1, 1998, as originally published with no further changes. In October 2000, the Division received a written comment from Dr. Douglas E. Grassi in which he expressed opposition to some of the proposed rule changes. As a result of some of Dr. Grassi's comments and comments made during the October 20, 2000, rule hearing, additional changes were made in the proposed rule in a Change in Proposed Rule filing in December 2000.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 69 with respect to dentists and dental hygienists.

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 Internet E-mail at brdopl.d tjones@email.state.ut.us.

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 07/05/2001



Commerce, Occupational and
Professional Licensing
R156-73
Chiropractic Physician Practice Act
Rules

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

DAR FILE NO.: 23879
FILED: 07/05/2001, 08:43
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 73 provides for the licensure of chiropractic physicians. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-73-201(3) provides that the Chiropractic Physician Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 73 with respect to chiropractic physicians.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1996, the rule has been amended three times. In September 1996, the Division received one written comment with respect to R156-73-304. After further discussion during the rule hearing, it was determined that no additional changes would be made to Section R156-73-304. In August 1999, a written comment was received from Dr. Joseph Brimhall with respect to proposed rule amendments. As a result of Dr. Brimhall's comments and additional comments made during the August 12, 1999, rule hearing, additional changes were made in a CPR rule filing which was filed in September 1999 and made effective on November 16, 1999. On January 25, 2001, the Division conducted a rule hearing with respect to proposed amendments which would allow chiropractic physicians to provide acupuncture services upon completion of defined training and defined indirect supervision. No written comments were received with respect to the proposed amendments; however, numerous public comments were offered during the rule hearing. The proposed amendments were made effective on February 15, 2001, with no additional changes.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 73 with respect to chiropractic physicians.

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 Internet E-mail at brdopl.dtjones@email.state.ut.us.

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 07/05/2001

◆ ————— ◆
Corrections, Administration
R251-708
Perimeter Patrol

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

DAR FILE NO.: 23901
FILED: 07/12/2001, 13:37
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 64-13-14 provides for the security of correctional facilities. Subsection 64-13-14(1) provides that the Department shall maintain and operate secure correctional facilities for the incarceration of offenders. This rule was enacted to clarify the provisions of Section 64-13-14.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because it clarifies the provisions in Section 64-13-14. This rule is necessary to inform the public regarding certain limitations while on and adjacent to prison property in order to maintain secure correctional facilities.

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

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

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

AUTHORIZED BY: Mike Chabries, Executive Director

EFFECTIVE: 07/12/2001

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

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

AUTHORIZED BY: Mike Chabries, Executive Director

EFFECTIVE: 07/12/2001



Corrections, Administration
R251-711
Admission and Intake

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23902
FILED: 07/12/2001, 13:37
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 Section 64-13-14, the Department of Corrections is required to maintain and operate secure facilities. It is necessary to receive inmates into secure facilities when they can be properly and securely admitted. Under Section 64-13-15, the Department of Corrections is required to properly retain or dispose of an inmate's personal property.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Delivering agencies need to be informed of the proper receiving hours and available alternatives.

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

Corrections
Administration
Suite 304

Corrections, Administration
R251-712
Release

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23903
FILED: 07/12/2001, 13:37
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 Section 64-13-7, the Department of Corrections is responsible for the appropriate transfer of offenders to facilities or programs.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Receiving agencies need to be informed that they are responsible for making arrangements for housing and transportation.

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

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

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

AUTHORIZED BY: Mike Chabries, Executive Director

AUTHORIZED BY: Kelly West, Assistant to the Director

EFFECTIVE: 07/12/2001

EFFECTIVE: 07/12/2001

Fair Corporation (Utah State),
Administration

R325-1

Utah State Fair Competitive Exhibitor
Rules

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

DAR FILE No.: 23890
FILED: 07/12/2001, 12:56
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who authorizes, requires, or prohibits an action; provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor, and promote public entertainment, displays, exhibits, etc. This in turn requires that we set rules and guidelines for exhibitors, renters, and the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The fair has between 6,500 and 6,800 competitive exhibitors each year and must have some basic guidelines that are enforceable.

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

Fair Corporation (Utah State)
Administration
155 North 1000 West
Salt Lake City, UT 84116, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at (801) 538-8441, by FAX at (801) 538-8455, or Internet E-mail at kellyw@fiber.net.

Fair Corporation (Utah State),
Administration

R325-2

Utah State Fair Commercial Exhibitor
Rules

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

DAR FILE No.: 23891
FILED: 07/12/2001, 12:56
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who authorizes, requires, or prohibits an action; provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor, and promote public entertainment, displays, exhibits, etc. This in turn requires that we set rules and guidelines for exhibitors, renters, and the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Fair rents space to approximately 400 Commercial Exhibitors each year and must have some basic guidelines that are enforceable.

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

Fair Corporation (Utah State)
Administration
155 North 1000 West
Salt Lake City, UT 84116, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at (801) 538-8441, by FAX at (801) 538-8455, or Internet E-mail at kellyw@fiber.net.

AUTHORIZED BY: Kelly West, Assistant to the Director
EFFECTIVE: 07/12/2001

AUTHORIZED BY: Kelly West, Assistant to the Director
EFFECTIVE: 07/12/2001

Fair Corporation (Utah State),
Administration
R325-3
Utah State Fair Patron Rules

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

DAR FILE No.: 23892
FILED: 07/12/2001, 12:56
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who authorizes, requires, or prohibits an action; provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor, and promote public entertainment, displays, exhibits, etc. This in turn requires that we set rules and guidelines for exhibitors, renters, and the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Approximately 300,000 patrons come to the Fair annually so there is a need for basic enforceable guidelines.

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

Fair Corporation (Utah State)
Administration
155 North 1000 West
Salt Lake City, UT 84116, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at (801) 538-8441, by FAX at (801) 538-8455, or Internet E-mail at kellyw@fiber.net.

Fair Corporation (Utah State),
Administration
R325-4
Interim Patron Rules (Other Than Utah
State Fair)

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

DAR FILE No.: 23893
FILED: 07/12/2001, 12:56
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who authorizes, requires, or prohibits an action; provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor, and promote public entertainment, displays, exhibits, etc. This in turn requires that we set rules and guidelines for exhibitors, renters, and the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There are over 150 different interim events at the Fairpark each year that must have basic enforceable guidelines.

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

Fair Corporation (Utah State)
Administration
155 North 1000 West
Salt Lake City, UT 84116, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at (801) 538-8441, by FAX at (801) 538-8455, or Internet E-mail at kellyw@fiber.net.

AUTHORIZED BY: Kelly West, Assistant to the Director

EFFECTIVE: 07/12/2001

AUTHORIZED BY: Kelly West, Assistant to the Director

EFFECTIVE: 07/12/2001

Fair Corporation (Utah State),
Administration

R325-5

Interim Renters Rules (Other Than
Utah State Fair)

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

DAR FILE No.: 23894
FILED: 07/12/2001, 12:56
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who authorizes, requires, or prohibits an action; provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor, and promote public entertainment, displays, exhibits, etc. This in turn requires that we set rules and guidelines for exhibitors, renters, and the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There are over 150 different interim events at the Fairpark each year that must have basic enforceable guidelines.

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

Fair Corporation (Utah State)
Administration
155 North 1000 West
Salt Lake City UT 84116, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kelly West at the above address, by phone at (801) 538-8441, by FAX at (801) 538-8455, or Internet E-mail at kellyw@fiber.net.

Health, Health Systems Improvement,
Primary Care and Rural Health

R434-30

Primary Care Grants Program for
Medically Underserved Populations

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

DAR FILE No.: 23888
FILED: 07/11/2001, 14:45
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 26-18-304, states the department shall establish rules in accordance with Title 63, Chapter 46a governing the process and criteria for awarding grants.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received. No opposition is expected.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the rule allows the department to proceed in awarding grants to public and nonprofit entities to provide primary health care services to medically underserved populations.

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

Health
Health Systems Improvement,
Primary Care and Rural Health
Cannon Health Building
288 North 1460 West
PO Box 142005
Salt Lake City, UT 84114-2005, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marilyn Haynes-Brokopp at the above address, by phone at (801) 538-6113, by FAX at (801) 538-6387, or Internet E-mail at mbrokopp@doh.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 07/11/2001

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gary Howarth at the above address, by phone at (801) 536-8695, by FAX at (801) 536-8509, or Internet E-mail at ghowarth@hs.state.ut.us.

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 07/10/2001

Human Services, Recovery Services
R527-936

Third Party Liability, Medicaid

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23887
FILED: 07/10/2001, 10:11
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: Federal Regulations 42 CFR 433.135 through 433.154 (2000) require the state agency to establish and administer a Third Party Liability Program, and specify the requirements for a state plan concerning Third Party Liability. The office adopts these sections and incorporates them by reference. Sections 26-19-1 through 26-19-19 authorize a Third Party Liability Medicaid Recovery Program and establish the legal liabilities of third parties and recipients.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Federal Regulations 42 CFR 433.135 through 433.154 (2000) require the state agency to establish and administer a Third Party Liability Program, and specify the requirements for a state plan concerning Third Party Liability. The office adopts these sections and incorporates them by reference. Sections 26-19-1 through 26-19-19 authorize a Third Party Liability Medicaid Recovery Program and establish the legal liabilities of third parties and recipients.

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

Human Services
Recovery Services
HK Building
515 East 100 South
PO Box 45025
Salt Lake City, UT 84145-5025, or
at the Division of Administrative Rules.

Insurance, Administration
R590-136

Title Insurance Agents' Annual Reports

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23904
FILED: 07/13/2001, 14:06
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 31A-23-313 requires title agents to file an annual financial report of their title business with the insurance commissioner. This report is to be in the form specified by the commissioner by rule, which is what this rule was written to do. The form and date in which this is to be filed, April 30, is specified in Section R590-136-4 of the rule.

Section 31A-23-403 requires title insurers and agents to file reports annually, with the report specified in 31A-23-313, in the form required by the commissioner by rule. This is the Controlled Business Report referred to in Section R590-136-5 of the rule and required to be filed by April 30 of each year.

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 department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law still requires that the department review the financial condition of title agencies and companies on an annual basis. The law sets the standards and this rule sets the form and date required to achieve this requirement.

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 Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 07/13/2001



Natural Resources, Water Rights **R655-10**

Dam Safety Classifications, Approval Procedures and Independent Reviews

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23895
FILED: 07/12/2001, 13:34
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 73, Chapter 5a requires the State Engineer to establish rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to set criteria for the design, construction, operation, and inspection of dams.

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

Natural Resources
Water Rights
Natural Resources Building
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Peisley at the above address, by phone at (801) 538-7370, by FAX at (801) 538-7467, or Internet E-mail at nrwr.kpeisley@state.ut.us.

AUTHORIZED BY: Robert L. Morgan, State Engineer

EFFECTIVE: 07/12/2001



Natural Resources, Water Rights **R655-11** Requirements for the Design, Construction and Abandonment of Dams

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23896
FILED: 07/12/2001, 13:34
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 73, Chapter 5a requires the State Engineer to establish rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to set criteria for the design, construction, operation, abandonment, and inspection of dams.

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

Natural Resources
Water Rights
Natural Resources Building
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Peisley at the above address, by phone at (801) 538-7370, by FAX at (801) 538-7467, or Internet E-mail at nrwr.kpeisley@state.ut.us.

AUTHORIZED BY: Robert L. Morgan, State Engineer

EFFECTIVE: 07/12/2001



Natural Resources, Water Rights
R655-12
Requirements for Operational Dams

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23897
FILED: 07/12/2001, 13:34
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 73, Chapter 5a requires the State Engineer to establish rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to set criteria for the operation of dams.

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

Natural Resources
Water Rights
Natural Resources Building
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Peisley at the above address, by phone at (801) 538-7370, by FAX at (801) 538-7467, or Internet E-mail at nrwrt.kpeisley@state.ut.us.

AUTHORIZED BY: Robert L. Morgan, State Engineer

EFFECTIVE: 07/12/2001



Public Safety, Fire Marshal
R710-6
Liquefied Petroleum Gas Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23880
FILED: 07/05/2001, 12:10
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: The Liquefied Petroleum Gas Act came into effect during the 1987 Utah Legislature. The completed legislation is currently found in Sections 53-7-301 through 53-7-316. In Section 53-7-305, the Liquefied Petroleum (LP) Gas Board is authorized by the legislature to make rules as reasonably necessary for the protection of the health, welfare and safety of the public and persons using LP Gas. The Board is authorized in Section 53-7-305 to make rules setting minimum general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, or using LP Gas. The Board is also allowed to establish several other safety standards by rule in Section 53-7-305.

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 creation of Utah Administrative Rule, R710-6, Liquefied Petroleum Gas Rules was first enacted on May 16, 1988. Since the incorporation of this rule in 1988, it has been amended 11 times and had one 120-Day (Emergency) Rule Change. It is and has been the policy of the Utah LP Gas Board to notify all parties affected by the rule change before the proposed rule change is finalized. Several LP Gas Board meetings are usually held with ample comment received by those affected before the final enactment of the rule. There have not been any written comments received by the LP Gas Board since the last five-year review from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R710-6, Liquefied Petroleum Gas Rules, is needed to insure the continued implementation of the LP Gas Safety program. The enactment of this program has substantially lowered the incidence of LP Gas accidents and the overfilling of LP Gas containers in the State of Utah. There are a number of our bordering states that look to this program as a guide for safe usage and handling of LP Gas.

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

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or Internet E-mail at bhallada@dps.state.ut.us.

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

EFFECTIVE: 07/05/2001



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

Commerce

Occupational and Professional Licensing

No. 23734 (AMD): R156-44a. Nurse Midwife Practice Act Rules.

Published: June 1, 2001
Effective: July 5, 2001

No. 23735 (AMD): R156-46a-308. Quality Assurance Program.

Published: June 1, 2001
Effective: July 5, 2001

No. 23736 (AMD): R156-68-305. Quality Review Program.

Published: June 1, 2001
Effective: July 5, 2001

No. 23737 (AMD): R156-69-305. Continuous Quality Improvement Program.

Published: June 1, 2001
Effective: July 5, 2001

No. 23738 (AMD): R156-71. Naturopathic Physician Practice Act Rules.

Published: June 1, 2001
Effective: July 5, 2001

No. 23743 (AMD): R156-73. Chiropractic Physician Practice Act Rules.

Published: June 1, 2001
Effective: July 5, 2001

Environmental Quality

Air Quality

No. 23759 (AMD): R307-101-2. Definitions.

Published: June 1, 2001
Effective: July 12, 2001

No. 23760 (AMD): R307-405-1. Definitions.

Published: June 1, 2001
Effective: July 12, 2001

Solid and Hazardous Waste

No. 23764 (AMD): R315-3-1. Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities.

Published: June 1, 2001
Effective: July 20, 2001

No. 23419 (CPR): R315-101-7. Public Participation.

Published: June 1, 2001
Effective: July 20, 2001

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 23752 (AMD): R414-303. Coverage Groups.

Published: June 1, 2001
Effective: July 6, 2001

No. 23753 (AMD): R414-304. Income and Budgeting.

Published: June 1, 2001
Effective: July 6, 2001

No. 23754 (AMD): R414-305. Resources.

Published: June 1, 2001
Effective: July 6, 2001

Human Resource Management

Administration

No. 23770 (AMD): R477-1. Definitions.

Published: June 1, 2001
Effective: July 3, 2001

No. 23771 (AMD): R477-2. Administration.

Published: June 1, 2001
Effective: July 3, 2001

No. 23772 (AMD): R477-4. Classification.

Published: June 1, 2001
Effective: July 3, 2001

No. 23773 (AMD): R477-5. Filling Positions.

Published: June 1, 2001
Effective: July 3, 2001

No. 23774 (AMD): R477-7. Compensation.

Published: June 1, 2001
Effective: July 3, 2001

NOTICES OF RULE EFFECTIVE DATES

No. 23775 (AMD): R477-8. Working Conditions.
Published: June 1, 2001
Effective: July 3, 2001

No. 23776 (AMD): R477-10. Employee Development.
Published: June 1, 2001
Effective: July 3, 2001

No. 23777 (AMD): R477-11. Discipline.
Published: June 1, 2001
Effective: July 3, 2001

No. 23778 (AMD): R477-14. Substance Abuse and
Drug-Free Workplace.
Published: June 1, 2001
Effective: July 3, 2001

No. 23779 (AMD): R477-15. Unlawful Harassment
Policy and Procedure.
Published: June 1, 2001
Effective: July 3, 2001

Human Services

Substance Abuse

No. 23732 (AMD): R544-4. Utah Standards for
Approval of Alcohol and Drug Educational Programs
for Court-Referred DUI Offenders.
Published: June 1, 2001
Effective: July 3, 2001

Labor Commission

Industrial Accidents

No. 23746 (AMD): R612-2-5. Regulation of Medical
Practitioner Fees.
Published: June 1, 2001
Effective: July 5, 2001

Public Safety

Driver License

No. 23741 (NEW): R708-38. Anatomical Gift.
Published: June 1, 2001
Effective: July 3, 2001

Tax Commission

Administration

No. 23717 (AMD): R861-1A-17. Definition of Return
Pursuant to Utah Code Ann. Sections 59-1-210 and
59-1-403.
Published: May 15, 2001
Effective: July 4, 2001

Auditing

No. 23716 (AMD): R865-19S-85. Sales and Use Tax
Exemptions for New or Expanding Operations and
Normal Operating Replacements Pursuant to Utah
Code Ann. Section 59-12-104.
Published: May 15, 2001
Effective: July 4, 2001

Motor Vehicle

No. 23718 (AMD): R873-22M-35. Reissuance of
Personalized License Plates Pursuant to Utah Code
Ann. Sections 41-1a-413 and 41-1a-1211.
Published: May 15, 2001
Effective: July 4, 2001

Transportation

Preconstruction, Right-of-Way Acquisition

No. 23622 (AMD): R933-2-15. Special Permits for
Olympic Pageants.
Published: May 1, 2001
Effective: July 9, 2001

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2001, including notices of effective date received through July 16, 2001, the effective dates of which are no later than August 1, 2001. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Debt Collection</u>					
R21-3	Debt Collection Through Administrative Offset	23682	NSC	05/01/2001	Not Printed
<u>Facilities Construction and Management</u>					
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	23697	NSC	05/01/2001	Not Printed
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	23699	AMD	07/01/2001	2001-10/5
R25-14	Payment of Attorneys Fees in Death Penalty Cases	23366	AMD	01/22/2001	2000-24/5
<u>Fleet Operations</u>					
R27-2	Fleet Operations Adjudicative Proceedings	23522	5YR	02/08/2001	2001-5/39
R27-7	Safety and Loss Prevention of State Vehicles	23345	NEW	01/31/2001	2000-24/6

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<u>Fleet Operations, Surplus Property</u>					
R28-2	Surplus Firearms	23523	5YR	02/08/2001	2001-5/39
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-1	Public Petitions for Declaratory Rulings	23584	5YR	03/30/2001	2001-8/83
<u>Animal Industry</u>					
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
<u>Chemistry Laboratory</u>					
R63-1	Fee Schedule	23404	5YR	01/10/2001	2001-3/94
<u>Marketing and Conservation</u>					
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
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	23434	5YR	01/16/2001	2001-3/94
R68-2	Utah Commercial Feed Act Governing Feed	23435	5YR	01/16/2001	2001-3/95
R68-6	Utah Nursery Act	23436	5YR	01/16/2001	2001-3/95
R68-10	Quarantine Pertaining to the European Corn Borer	23437	5YR	01/16/2001	2001-3/96
R68-12	Quarantine Pertaining to Mint Wilt	23438	5YR	01/16/2001	2001-3/96
<u>Regulatory Services</u>					
R70-101	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
R70-101-14	Rules and Regulations for Filling Material	23653	NSC	06/01/2001	Not Printed
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

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
R70-910	Voluntary Registration of Servicemen and Service Agencies for Commercial Weighing and Measuring Devices	23728	5YR	05/03/2001	2001-11/116
R70-950	Uniform National Type Evaluation	23729	5YR	05/03/2001	2001-11/116
<u>ALCOHOLIC BEVERAGE CONTROL</u>					
<u>Administration</u>					
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
<u>CAPITOL PRESERVATION BOARD (STATE)</u>					
<u>Administration</u>					
R131-4	Procurement of Construction	23578	NEW	05/16/2001	2001-8/7
<u>COMMERCE</u>					
<u>Administration</u>					
R151-46b	Department of Commerce Administrative Procedures Act Rules	23537	5YR	02/28/2001	2001-6/49
<u>Consumer Protection</u>					
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23457	5YR	01/29/2001	2001-4/61
<u>Corporations and Commercial Code</u>					
R154-10	Utah Digital Signature Act Rules	23595	AMD	05/18/2001	2001-8/15
<u>Occupational and Professional Licensing</u>					
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
R156-3a	Architect Licensing Act Rules	23730	NSC	06/01/2001	Not Printed
R156-3a	Architect Licensing Act Rules	23837	5YR	06/11/2001	2001-13/85
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

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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
R156-44a	Nurse Midwife Practice Act Rules	23734	AMD	07/05/2001	2001-11/3
R156-46a-308	Quality Assurance Program	23735	AMD	07/05/2001	2001-11/4
R156-46b	Division Utah Administrative Procedures Act Rules	23839	5YR	06/11/2001	2001-13/85
R156-47b	Massage Therapy Practice Act Rules	23535	5YR	02/26/2001	2001-6/49
R156-50	Private Probation Provider Licensing Act Rules	23696	5YR	04/26/2001	2001-10/90
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
R156-56	Utah Uniform Building Standard Act Rules	23577	AMD	07/01/2001	2001-8/18
R156-56-704	Statewide Amendments to the IBC	23788	NSC	06/26/2001	Not Printed
R156-60b	Marriage and Family Therapist Licensing Act Rules	23620	AMD	06/01/2001	2001-9/13
R156-60c	Professional Counselor Licensing Act Rules	23679	AMD	06/19/2001	2001-10/11
R156-60d	Substance Abuse Counselor Act Rules	23838	5YR	06/11/2001	2001-13/86
R156-61	Psychologist Licensing Act Rules	23632	AMD	06/01/2001	2001-9/16
R156-66 (Changed to R151-33)	Utah Professional Boxing Regulation Act Rules	23859	EMR	07/01/2001	2001-14/54
R156-68-305	Quality Review Program	23736	AMD	07/05/2001	2001-11/5
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
R156-69	Dentist and Dental Hygienist Practice Act Rules	23878	5YR	07/05/2001	2001-15/47
R156-69-305	Continuous Quality Improvement Program	23737	AMD	07/05/2001	2001-11/6
R156-71	Naturopathic Physician Practice Act Rules	23738	AMD	07/05/2001	2001-11/7
R156-73	Chiropractic Physician Practice Act Rules	23390	AMD	02/15/2001	2001-2/2
R156-73	Chiropractic Physician Practice Act Rules	23743	AMD	07/05/2001	2001-11/8
R156-73	Chiropractic Physician Practice Act Rules	23879	5YR	07/05/2001	2001-15/48

Real Estate

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

Community Development

R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	23321	AMD	01/23/2001	2000-21/3
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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
<u>Community Development, Community Services</u>					
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
<u>Community Development, Energy Services</u>					
R203-1	Utah Clean Fuels Grant and Loan Program	23377	AMD	see CPR	2001-1/6
R203-1	Utah Clean Fuels Grant and Loan Program	23377	CPR	06/15/2001	2001-4/52
<u>Community Development, History</u>					
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
<u>Community Development, Library</u>					
R223-2	Public Library online Access for Eligibility to Receive Public Funds	23352	NEW	02/15/2001	2000-24/11
R223-2	Public Library Online Access for Eligibility to Receive Public Funds	23519	NSC	02/23/2001	Not Printed
<u>Indian Affairs</u>					
R230-1	Native American Grave Protection and Repatriation	23476	5YR	02/01/2001	2001-4/61
CORRECTIONS					
<u>Administration</u>					
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
R251-708	Perimeter Patrol	23901	5YR	07/12/2001	2001-15/48
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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R251-711	Admission and Intake	23902	5YR	07/12/2001	2001-15/49
R251-712	Release	23903	5YR	07/12/2001	2001-15/49
CRIME VICTIM REPARATIONS					
<u>Administration</u>					
R270-1	Award and Reparations Standards	23527	AMD	04/03/2001	2001-5/11
EDUCATION					
<u>Administration</u>					
R277-415	Strategic Planning Programs	23747	5YR	05/14/2001	2001-11/117
R277-469	Textbook Commission Operating Procedures	23426	AMD	03/06/2001	2001-3/9
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
R277-709	Education Programs Serving Youth in Custody	23670	AMD	06/05/2001	2001-9/19
R277-911	Secondary Applied Technology Education	23671	AMD	06/05/2001	2001-9/21
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-101-2	Definitions	23759	AMD	07/12/2001	2001-11/10
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
R307-405-1	Definitions	23760	AMD	07/12/2001	2001-11/21
R307-501	Emergency Rule: Power Generators	23781	EMR	05/15/2001	2001-11/114
<u>Drinking Water</u>					
R309-101	General Administration of Drinking Water Program	23662	5YR	04/16/2001	2001-9/140
R309-102	Responsibilities of Public Water System Owners and Operators	23663	5YR	04/16/2001	2001-9/140
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
<u>Radiation Control</u>					
R313-12	General Provisions	23667	AMD	06/07/2001	2001-9/54
R313-14	Violations and Escalated Enforcement	23668	AMD	06/07/2001	2001-9/55
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	23312	AMD	01/26/2001	2000-23/19

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R313-26	Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities	23669	NEW	06/08/2001	2001-9/59
R313-36	Special Requirements for Industrial Radiographic Operations	23552	AMD	05/11/2001	2001-7/13
<u>Solid and Hazardous Waste</u>					
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
R315-2-2	Definitions of Solid Waste	23521	AMD	06/15/2001	2001-5/15
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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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	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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	23425	R652-121	AMD	03/12/2001	2001-3/64
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	23407	R307-103-2	AMD	04/12/2001	2001-3/13
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	23743	R156-73	AMD	07/05/2001	2001-11/8
	23879	R156-73	5YR	07/05/2001	2001-15/48
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	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
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	23511	R251-102	5YR	02/05/2001	2001-5/40
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	23547	R686-100	NSC	04/01/2001	Not Printed
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	23577	R156-56	AMD	07/01/2001	2001-8/18
	23788	R156-56-704	NSC	06/26/2001	Not Printed
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Capitol Preservation Board (State), Administration	23578	R131-4	NEW	05/16/2001	2001-8/7
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	23609	R916-3	NSC	05/01/2001	Not Printed
	23750	R916-3	5YR	05/14/2001	2001-11/119
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	23901	R251-708	5YR	07/12/2001	2001-15/48
	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
	23902	R251-711	5YR	07/12/2001	2001-15/49
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	23752	R414-303	AMD	07/06/2001	2001-11/59
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	23897	R655-12	5YR	07/12/2001	2001-15/55
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	23897	R655-12	5YR	07/12/2001	2001-15/55
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	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
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	23891	R325-2	5YR	07/12/2001	2001-15/50
	23892	R325-3	5YR	07/12/2001	2001-15/51
	23893	R325-4	5YR	07/12/2001	2001-15/51
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	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
	23746	R612-2-5	AMD	07/05/2001	2001-11/108
	23465	R612-2-6	NSC	02/15/2001	Not Printed
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	23580	R710-4	AMD	05/16/2001	2001-8/77
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	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
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	23556	R865-6F-15	NSC	04/01/2001	Not Printed
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	23377	R203-1	CPR	06/15/2001	2001-4/52
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	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
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<u>GRANTS</u>					
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	23575	R199-9	NSC	03/28/2001	Not Printed
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	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
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	23777	R477-11	AMD	07/03/2001	2001-11/99
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	23400	R251-301	AMD	03/13/2001	2001-3/8
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	23410	R315-2	AMD	04/20/2001	2001-3/16
	23521	R315-2-2	AMD	06/15/2001	2001-5/15
	23411	R315-3	AMD	see CPR	2001-3/22
	23411	R315-3	CPR	06/15/2001	2001-9/130
	23764	R315-3-1	AMD	07/20/2001	2001-11/29
	23412	R315-5-3	AMD	04/20/2001	2001-3/30
	23413	R315-7	AMD	see CPR	2001-3/31
	23413	R315-7	CPR	06/15/2001	2001-9/131
	23414	R315-8	AMD	see CPR	2001-3/36
	23414	R315-8	CPR	06/15/2001	2001-9/133
	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
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	23479	R432-3	NSC	04/01/2001	Not Printed
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	23493	R432-35	NSC	04/01/2001	Not Printed
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	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
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	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
	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
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Commerce, Occupational and Professional Licensing	23735	R156-46a-308	AMD	07/05/2001	2001-11/4
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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
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	23556	R865-6F-15	NSC	04/01/2001	Not Printed
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	23406	R501-8	NSC	02/01/2001	Not Printed
	23783	R501-14	5YR	05/18/2001	2001-12/75
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	23420	R414-303	AMD	03/13/2001	2001-3/52
	23752	R414-303	AMD	07/06/2001	2001-11/59
	23397	R414-304	EMR	01/03/2001	2001-3/89
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	23703	R420-1	AMD	06/25/2001	2001-10/19
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	22923	R590-200	CPR (Third)	04/30/2001	2001-3/84
	23720	R590-206	NEW	07/01/2001	2001-10/23
<u>INSURANCE LAW PRIVACY</u>					
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	23519	R223-2	NSC	02/23/2001	Not Printed
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	23822	R510-1	5YR	06/04/2001	2001-13/86
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	23629	R728-409	NSC	05/01/2001	Not Printed
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	23449	R724-10 (Changed to R722-310)	NSC	02/01/2001	Not Printed
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	23550	R156-3a	AMD	05/03/2001	2001-7/9
	23730	R156-3a	NSC	06/01/2001	Not Printed
	23837	R156-3a	5YR	06/11/2001	2001-13/85
	23260	R156-11a	AMD	see CPR	2000-22/5
	23260	R156-11a	CPR	03/06/2001	2001-3/79
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	23401	R156-37-502	NSC	02/01/2001	Not Printed
	23734	R156-44a	AMD	07/05/2001	2001-11/3
	23735	R156-46a-308	AMD	07/05/2001	2001-11/4
	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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	23524	R156-55d-603	AMD	04/03/2001	2001-5/8
	23577	R156-56	AMD	07/01/2001	2001-8/18
	23788	R156-56-704	NSC	06/26/2001	Not Printed
	23620	R156-60b	AMD	06/01/2001	2001-9/13
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	23838	R156-60d	5YR	06/11/2001	2001-13/86
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	23141	R156-69	CPR	02/15/2001	2001-2/17
	23878	R156-69	5YR	07/05/2001	2001-15/47
	23737	R156-69-305	AMD	07/05/2001	2001-11/6
	23738	R156-71	AMD	07/05/2001	2001-11/7
	23390	R156-73	AMD	02/15/2001	2001-2/2
	23879	R156-73	5YR	07/05/2001	2001-15/48
	23743	R156-73	AMD	07/05/2001	2001-11/8
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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
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	23754	R414-305	AMD	07/06/2001	2001-11/72
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	23703	R420-1	AMD	06/25/2001	2001-10/19
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	23746	R612-2-5	AMD	07/05/2001	2001-11/108
	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
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	23374	R156-55b	AMD	04/30/2001	2001-1/4
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	23709	R651-404	AMD	06/15/2001	2001-10/39
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	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
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	23639	R315-302	AMD	07/01/2001	2001-9/64
	23640	R315-303-3	AMD	07/01/2001	2001-9/68
	23641	R315-304-5	AMD	07/01/2001	2001-9/71
	23642	R315-305	AMD	07/01/2001	2001-9/72
	23643	R315-306	AMD	07/01/2001	2001-9/74
	23644	R315-307-1	AMD	07/01/2001	2001-9/76
	23645	R315-308-2	AMD	07/01/2001	2001-9/77
	23646	R315-309-2	AMD	07/01/2001	2001-9/80
	23647	R315-310	AMD	07/01/2001	2001-9/81
	23648	R315-312	AMD	07/01/2001	2001-9/85
	23649	R315-313	AMD	07/01/2001	2001-9/86
	23650	R315-314-3	AMD	07/01/2001	2001-9/87
	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
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	23652	R315-320	AMD	07/01/2001	2001-9/91
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	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
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	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
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	23232	R746-352	CPR (First)	see CPR (Second)	2001-5/32
	23232	R746-352	CPR (Second)	06/15/2001	2001-7/38
	23271	R746-360	AMD	02/15/2001	2000-22/45
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	23700	R414-309	EMR	05/01/2001	2001-10/82
	23702	R414-309	AMD	06/25/2001	2001-10/15
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	23701	R420-1	EMR	05/01/2001	2001-10/85
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	23745	R994-308	5YR	05/11/2001	2001-11/120
	23525	R994-406-304	AMD	04/05/2001	2001-5/28
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	23644	R315-307-1	AMD	07/01/2001	2001-9/76
	23645	R315-308-2	AMD	07/01/2001	2001-9/77
	23646	R315-309-2	AMD	07/01/2001	2001-9/80
	23647	R315-310	AMD	07/01/2001	2001-9/81
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	23164	R317-1-3	CPR	01/23/2001	2000-24/74
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	23528	R657-5	AMD	04/03/2001	2001-5/19
	23189	R657-13	AMD	01/02/2001	2000-21/23
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	23810	R657-23	5YR	05/30/2001	2001-12/74
	23455	R657-27	AMD	03/26/2001	2001-4/39
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	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
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	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
	23746	R612-2-5	AMD	07/05/2001	2001-11/108
	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
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	23469	R612-2-22	AMD	03/20/2001	2001-4/33
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	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
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	23406	R501-8	NSC	02/01/2001	Not Printed
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