

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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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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EXECUTIVE ORDER

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

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

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

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

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

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

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of July 30, 2001, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 30th day of July, 2001.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

DEPARTMENT OF HEALTH EPIDEMIOLOGY AND LABORATORY SERVICES, LABORATORY IMPROVEMENT

PUBLIC NOTICE EXTENDING THE COMMENT PERIOD ON PROPOSED RULE R444-14 ENTITLED "RULE FOR THE CERTIFICATION OF ENVIRONMENTAL LABORATORIES"

The Division of Epidemiology and Laboratory Services, Laboratory Improvement is extending the comment period for R444-14, a proposed amendment that was published in the July 15, 2001, issue of the *Utah State Bulletin* (No. 2001-14, page 30) under DAR No. 23865. Comments will be accepted until October 15, 2001.

SPECIAL NOTICES

Comments should be mailed to: David Mendenhall, Health, Epidemiology and Laboratory Services, Laboratory Improvement, Room 1087, CSHCN Building, 46 North Medical Drive, Salt Lake City, UT 84113-1105. Comments can also be sent by electronic mail to: dmendenh@doh.state.ut.us.

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. 01-16, dated August 3, 2001 (<http://www.state.lib.ut.us/01-16.html>). For a copy of the complete list, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view it on the World Wide Web at the address above.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between July 17, 2001, 12:00 a.m., and August 1, 2001, 11:59 p.m., are included in this, the August 15, 2001, issue of the *Utah State Bulletin*.

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

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

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least September 14, 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 December 13, 2001, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Administrative Services, Facilities Construction and Management

R23-2

Procurement of Architectural and Engineering Services

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23952

FILED: 07/30/2001, 12:23

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to provide requirements and procedures for the procurement of architect-engineer services by the Division of Facilities Construction and Management.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment: modifies procedures for procuring architect-engineer services; provides for the confidentiality of certain information obtained in the procurement process; modifies the required method for providing public notice of procurement opportunities; simplifies requirements for maintaining a register of architects and engineers interested in doing work for Department of Facilities Construction and Management (DFCM); and makes numerous technical clarifications.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-56-14(2); Title 63, Chapter 56; and Title 63A, Chapter 5

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The amendment allows the selection of architects and engineers to be based to a greater degree on the capabilities and past performance of the architects and engineers as well as how well they demonstrate their ability to achieve the State's objectives while minimizing risks to the State. This will result in the selection of firms that more closely meet the needs of the State. It is expected that this will result in a higher level of performance in the design of buildings and generate savings in State building construction projects and future operating and repair costs. The amount of the savings cannot be estimated at this time. The elimination of the requirement for architects and engineers to annually submit a statement of interest and qualifications will result in a limited savings in staff time.

❖**LOCAL GOVERNMENTS:** None--This rule does not apply to local governments.

❖**OTHER PERSONS:** It is not possible to estimate the aggregate, net impact that the proposed amendments will have on architects and engineers pursuing work with DFCM. Some of the amendments could either increase or decrease the cost of pursuing work with DFCM depending on the nature of the firm and the manner in which they do business. The elimination of the requirement for architects and

engineers to annually submit a statement of interest and qualifications will result in a limited savings in their marketing effort.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is not possible to estimate the individualized, net impact that the proposed amendments will have on architects and engineers pursuing work with DFCM. Some of the amendments could either increase or decrease the cost of pursuing work with DFCM depending on the nature of the firm and the manner in which they do business. The elimination of the requirement for architects and engineers to annually submit a statement of interest and qualifications will result in a limited savings in their marketing effort.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule amendment formalizes facilities procurement and construction process to support the state's performance-based planning and procurement system. Performance-based construction should enable the Division of Facilities Construction and Management to continue with the full implementation of a rigorous cost-saving and efficiency program while maintaining a high level of design quality. It has been endorsed by the State Building Board and members of the state legislature. The rule also helps to ensure that DFCM includes qualitative selection criteria in the selection process.

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

Administrative Services
Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kenneth Nye at the above address, by phone at (801) 538-3284, by FAX at (801) 538-3267, or by Internet E-mail at knye@dfcm.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 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Richard E. Byfield, AIA, Director

R23. Administrative Services, Facilities Construction and Management.

R23-2. Procurement of ~~Architectural and Engineering~~ Architect-Engineer Services.

R23-2-1. Purpose and Authority.

(1) ~~[As provided by]~~ In accordance with Subsection ~~[63-56-14(1)]~~ 63-56-14(2), this rule establishes procedures for the procurement of ~~[architectural and engineering]~~ architect-engineer services by the Division.

(2) ~~[The Board's authority to adopt rules for the activities of the Division is set forth in Subsection 63A-5-103(1)(e):~~

~~—(3)—~~The statutory provisions governing the procurement of ~~[architectural and engineering]~~architect-engineer services by the Division are contained in Title 63, Chapter 56 and Title 63A, Chapter 5.

R23-2-2. Definitions.

(1) ~~[Terms]~~Except as otherwise stated in this rule, terms used in this rule are defined in Section 63-56-5.

(2) ~~[In addition:]~~The following additional terms are defined for this rule.

(a) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(b) "Director" means the Director of the Division, including, unless otherwise stated, his duly authorized designee.

(c) "Division" means the Division of Facilities Construction and Management established pursuant to ~~[Title 63A, Chapter 5, Part 2]~~Section 63A-5-201.

(d) "Public Notice" means the notice that is publicized pursuant to this rule to notify architects and engineers of Solicitations.

(e) "Solicitations" means all documents, whether attached or incorporated by reference, used for soliciting information from architects and engineers seeking to provide architect-engineer services to the Division.

(f) "State" means the State of Utah.

~~[(e)]~~(g) "Using Agency" means any state agency or any political subdivision of the state which utilizes the services procured under this rule.

R23-2-3. ~~[Maintaining a]~~Register of Architectural/Engineering Firms.

~~[The Division shall maintain a list of all registered and licensed architectural and engineering firms that are interested in being considered for state building projects. This list shall be developed on the basis of expression of interest by the individual firms. It will be updated annually. The information should include:~~

~~—(1) The name of the firm and the location of all of its offices, specifically indicating the principal place of business within the state;~~

~~—(2) The age of the firm and its average number of employees over the past five years;~~

~~—(3) The education, training, and qualifications of members of the firm and key employees;~~

~~—(4) The experience of the firm, reflecting technical capabilities and project experience;~~

~~—(5) The names of five clients who may be contacted, including at least two for whom services were rendered in the year immediately preceding the statement;~~

~~—(6) The scope, categories, or types of work for which the firm considers themselves most qualified and in which they are interested;~~

~~—(7) Other information that the firm wishes to provide:]~~(1) Architects and engineers interested in being considered for architect-engineer services procured by the Division under Section R23-2-19 may submit an annual statement of qualifications and performance data.

(2) The Division shall maintain a file of information submitted under Subsection (1).

R23-2-4. ~~[Notification of Need for Architectural/Engineering Services]~~Public Notice of Solicitations.

~~[(+)]~~The Division shall ~~[publish]~~publicize its needs for ~~[architectural/engineering]~~architect-engineer services in the manner provided in Subsection R23-1-5(2). The public notice shall include~~[the following]:~~

~~[(a) The]~~(1) the closing time and date [for the submission of Statement of Qualifications]by which the first submittal of information is required;

(2) directions for obtaining the solicitation;

~~[(b) The address of the office to which Statements of Qualifications are to be delivered;~~

~~—(c) The address where a more complete project description may be obtained;~~

~~—(d) A]~~(3) a brief description of the project; and

~~[(e) Notice]~~(4) notice of any mandatory pre-submittal meetings.

(2) The architects/engineers shall respond with a Statement of Qualifications for each project.

R23-2-5. Appointment of a Selection Committee.

~~—The Director shall appoint a selection committee to review all applications of interested architectural/engineering firms. The committee shall generally include representatives of the Board, the Division and the using agency as appropriate. On projects larger than \$5,000,000, the Division shall contact the Board to determine if they wish to participate on the selection committee.~~

R23-2-6. Preliminary Screening and Evaluation.

~~—(1) The selection committee shall independently rate each interested firm against predetermined criteria. A weighted point system shall be used. A ranking of those qualified firms shall be made by using a composite scoring of all the individual rater's scores.~~

~~—(2) The following general types of criteria shall be used in the evaluation and ranking of firms for possible awards:~~

~~—(a) Competence to perform the services as reflected by technical training and education, specialized experience in providing the required services, and the qualifications and competence of persons who would be assigned to perform the services;~~

~~—(b) Capacity to perform the services in the required time as reflected by present workload, availability of adequate personnel, equipment, and facilities;~~

~~—(c) Past performance as reflected by the evaluation of the services of the architect/engineer with respect to such factors as control of costs, quality of work, and ability to meet deadlines. This shall specifically include past performance on state projects as rated by the Division as described in Section R23-2-10;~~

~~—(d) Proximity of firm to the project.~~

R23-2-7. Interviews with Architectural/Engineering Firms.

~~—(1) On all projects over \$5,000,000 in estimated costs for construction, interviews shall be held with no less than the top three ranked firms competing for the project design commission. The number of firms interviewed per project may vary according to the size and complexity of the project and a definite break in ranking of total points. Interviews may be held on smaller projects at the discretion of the Director.~~

~~— (2) Those firms who are selected to be interviewed shall be provided with as full details as possible of the job at least one week prior to the interview.~~

~~— (3) The Division may utilize the interview procedure on projects of less than \$5,000,000 where it is deemed appropriate.~~

~~— (4) After the composite ranking and interviews, if held, are completed, the selection committee shall select the top three in ranked order.]~~

R23-2-5. Submittal Preparation Time.

Submittal preparation time is the period of time between the date of first publication of the public notice, and the date and time set for the receipt of submittals by the Division. In each case, the submittal preparation time shall be set to provide architects and engineers a reasonable time to prepare their submittals. The time between the first publication of the public notice and the earlier of the first required submittal of information or any mandatory meeting shall be not less than ten calendar days, unless a shorter time is deemed necessary for a particular procurement as determined, in writing, by the Director.

R23-2-6. Form of Submittal.

The solicitation may provide for or limit the form of submittals, including any forms for that purpose.

R23-2-7. Addenda to Solicitations.

Addenda to the solicitation may be made in the same manner provided for addenda to the bidding documents in connection with Invitations for Bids set forth in Subsection R23-1-5(6) except that addenda may be issued until the selection of an architect or engineer.

R23-2-8. Modification or Withdrawal of Submittals.

(1) Submittals may be modified prior to the due dates established in the solicitation.

(2) Architects and engineers may withdraw from consideration until a contract is executed.

R23-2-9. Late Proposals and Late Modifications.

Except for modifications allowed pursuant to negotiation, any proposal or modification received at the location designated for receipt of submittals after the due dates established in the Solicitation shall be deemed to be late and shall not be considered unless no other submittals are received.

R23-2-10. Receipt and Registration of Submittals.

After the date established for the first submittal of information, a register of submitting architects and engineers shall be prepared and open to public inspection. Prior to award, proposals and modifications shall be shown only to procurement and other persons involved with the review and selection process.

R23-2-11. Disclosure of Contents of Submittals and References.

(1) Except as provided in this rule, submittals of the successful architect or engineer shall be open to public inspection after award of the contract. Submittals of architects and engineers who are not awarded contracts shall not be open to public inspection.

(2) The Solicitation may provide that certain information required to be submitted by the offeror shall be considered confidential and classified as protected if such information meets the provisions of Section 63-2-304 of the Government Records Access and Management Act.

(3) If the architect or engineer selected for award has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the Director shall examine the request to determine its validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the Director shall inform the architect or engineer in writing what portion of the proposal will be disclosed and that, unless the architect or engineer withdraws the submittal, it will be disclosed.

(4) The Board finds that it is necessary to maintain the confidentiality of individual responses from persons who are contacted as references in order to avoid competitive injury and to encourage those persons to respond in an open and honest manner without fear of retribution. Accordingly, responses to requests for references are classified as protected records under the provisions of Subsection 63-2-304(2) and (6) and shall be disclosed only in summary form to persons involved with the review and selection of process. This Subsection (4) applies only to responses from references submitted by the architect or engineer.

R23-2-12. Selection Committee.

(1) The Board delegates to the director the authority to appoint a selection committee which may include representatives of the Board, the Division, the using agency, and architects, engineers and others of the general public.

(2) Each member of the selection committee shall certify as to his lack of conflicts of interest.

R23-2-13. Evaluation and Ranking.

(1) The selection committee shall evaluate the relative competence and qualifications of architects and engineers who submit the required information.

(2) The evaluation shall be based on evaluation factors set forth in the solicitation and may include:

(a) past performance;

(b) references;

(c) plans for managing and avoiding project risks;

(d) interviews; and

(e) other factors that indicate the relevant competence and qualifications of the architect or engineer.

(3) The evaluation may be conducted in two phases with the first phase identifying no less than the top three ranked firms to be evaluated further in the second phase unless less than three firms are competing for the contract.

(4) Numerical rating systems may be used but are not required.

(5) The evaluation committee shall rank at least the top three firms. Notice of the selection results shall be provided to each firm competing for the contract.

[R23-2-8]R23-2-14. Negotiation and Appointment.

[1] The Director shall negotiate with the top-ranked architectural or engineering firm. If there are problems with

reaching agreement, the Director shall present a written offer of the terms which must then be accepted or rejected in writing by the architectural/engineering firm. If the offer is rejected by the top-ranked firm, the Director may negotiate with the second-ranked firm. If negotiations with the second-ranked firm are not able to be successfully concluded, the Division may negotiate with the third-ranked firm.

(2) Following completion of negotiations, the Division will enter into a contract with the selected firm. Other firms who were interviewed shall receive notification of award. The Director shall conduct negotiations as provided for in Section 63-56-44 until an agreement is reached.

[R23-2-9]R23-2-15. Role of the Board.

(1) The Board has the responsibility to establish and monitor the selection process. It must verify the acceptability of the procedure and make changes in procedure as determined necessary by the Board.

(2) At each regular meeting of the Board, the Division shall submit a list of all architect/engineer contracts entered into since its previous report and the method of selection used. This shall be for the information of the Board.

[R23-2-10]R23-2-16. Performance Evaluation.

(1) The using agency and staff from the Division shall ~~throughout the course of the contract and at the end the contract;~~ evaluate the performance of the architectural/engineering firm.

(2) This rating shall become a part of the record of that architectural/engineering firm within the Division. ~~The Division will be responsible for verbally reviewing with the architectural/engineering firm their performance on each project.]~~ The architectural/engineering firm shall be apprised in writing of their performance rating at the end of the project and may enter their response in the file.

[R23-2-11]R23-2-17. Emergency Conditions.

The Director, in consultation with the chairman of the Board, shall determine if ~~it is necessary to use~~ emergency conditions exist and document his decision in writing. The Director may use any reasonable method of awarding ~~architect/engineer design~~ contracts for architect-engineer services in emergency conditions. ~~The capabilities of those firms having a current file with the Division shall be considered first for emergency appointments. However, if the Director determines that a specialization is needed and not found among the firms mentioned, he may appoint another firm whose capabilities are necessary for the emergency project design.]~~

[R23-2-12]R23-2-18. Direct Awards.

(1) The Director may award a contract to an architectural/engineering firm without following the procedures of this rule if:

(a) The contract is for a project which is integrally related to, or an extension of, a project which was previously awarded to the architectural/engineering firm;

(b) The architectural/engineering firm performed satisfactorily on the related project; and

(c) The Director determines that the direct award is in the best interests of the State.

(2) The Director shall place written documentation of the reasons for the direct award in the project file and shall report the action to the Board at its next meeting.

[R23-2-13]R23-2-19. Small Purchases.

(1) If the Director determines that the services of architects and engineers can be procured for less than \$50,000, or if the estimated construction cost of the project is less than \$500,000, the procedures contained in Subsection ~~[R23-2-13](2)~~ may be used.

(2) ~~[Before contacting any person to perform the required services, the Director shall examine any current statements of qualifications on file with the Division. Based on this examination, the Director shall contact a qualified firm and attempt to negotiate a contract for the required services at a fair and reasonable price. If no current statements of qualifications are on file or if the statements on file are, in the judgment of the Director, inadequate to determine a qualified firm, technical proposals or statements of qualifications shall be solicited.]~~ The Director shall select a qualified firm and attempt to negotiate a contract for the required services at a fair and reasonable price. The qualified firm may be, but is not required to be, selected from the register of architectural and engineering firms provided for in Section R23-2-3. If, after negotiations on price, the parties cannot agree upon a price that, in the Director's judgment, is fair and reasonable, negotiations shall be terminated with that firm and negotiations begun with another qualified firm. This process shall continue until a contract is negotiated at a fair and reasonable price.

[R23-2-14]R23-2-20. Alternative Procedures.

(1) The Division may enhance the process whenever the Director determines that it would be in the best interest of the state. ~~[Examples of enhancements which may be made include design competitions and outside representation on selection committees]~~ This may include the use of a design competition.

(2) Any exceptions to this rule must be justified to and approved by the Board.

(3) Regardless of the process used, the using agency shall be involved jointly with the Division in the selection process.

KEY: procurement*, architects, engineers
[May 8, 1995]2001 **63A-5-103 et seq.**
Notice of Continuation May 4, 2000 **63-56-14(2)**



Administrative Services, Purchasing
 and General Services
R33-3-1
 Competitive Sealed Bidding; Multi-Step
 Sealed Bidding

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23965
 FILED: 07/31/2001, 17:26
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Procurement Policy Board has adopted rules governing reverse auctions as instructed by H.B. 245 (2001 General Session) now codified as Section 63-56-20.1. (DAR Note: H.B. 245 can be found at 2001 Utah Laws 305, and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: This new language sets forth the rules governing a new procurement process, reverse auctions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-56-7, 63-56-14, and 63-56-20.1

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--The purpose of this change is to implement reverse auctions as a new procurement tool. It is anticipated that any costs associated with conducting reverse auctions would be more than offset in anticipated reductions in bid prices achieved via the reverse auction process. Since this is a completely new procurement tool, it is impossible to forecast the savings to the state budget at this point.
❖LOCAL GOVERNMENTS: None--This rule does not apply to local governments.
❖OTHER PERSONS: None--Since the effect on suppliers by the use of this new procurement tool is entirely dependent on the competitive forces in the marketplace, it is impossible to forecast the fiscal impact of reverse auctions on any specific supplier, or person.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Since the effect on suppliers by the use of this new procurement tool is entirely dependent on the competitive forces in the marketplace, it is impossible to forecast the fiscal impact of reverse auctions on any specific supplier, or person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule outlines the procedures for using reverse auctions in state government. DAS expects to use a variety of tools to insure that state agencies and Utah citizens obtain the best value for money spent. It is expected that reverse auctions will be used when it is advantageous to the purchasing agency or to the State in general.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Administrative Services
Purchasing and General Services
3150 State Office Building
PO Box 141061
Salt Lake City, UT 84114-1061, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas Richins at the above address, by phone at (801) 538-3143, by FAX at (801) 538-3882, or by Internet E-mail at drichins@utah.gov.

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 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Douglas Richins, Director

**R33. Administrative Services, Purchasing and General Services.
R33-3. Source Selection and Contract Formation.**

R33-3-1. Competitive Sealed Bidding; Multi-Step Sealed Bidding.

3-101 Content of the Invitation For Bids.

(1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.

(2) Content. The Invitation for Bids include the following:

(a) Instructions and information to bidders concerning the bid submission requirements, including the time and closing date for submission of bids, the address of the office to which bids are to be delivered, and any other special information;

(b) The purchase description, evaluation factors, delivery or performance schedule, and inspection and acceptance requirements not included in the purchase description;

(c) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

(3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where the documents can be obtained.

(4) Acknowledgement of Amendments. The Invitation for Bids shall require the acknowledgement of the receipt of all amendments issued.

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3-130 Reverse Auctions.

(1) Definition. In accordance with Utah Code Annotated Section 63-56-20.1 a "reverse auction" means a process where:

(a) contracts are awarded in a open and interactive environment, which may include the use of electronic media; and

(b) bids are opened and made public immediately, and bidders given opportunity to submit revised, lower bids, until the bidding process is complete.

(2) Reverse auction is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated against the established criteria by the purchasing agency, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase submit their price bids through a reverse auction.

(3) Use. The reverse auction method will be used when the procurement officer deems it to the advantage of the purchasing agency.

3-131 Pre-Bid Conferences in Reverse Auctions.

Prior to the submission of unpriced technical offers, a pre-bid conference as contemplated by section 3-106 may be conducted by the procurement officer. The procurement officer may also hold a

conference of all bidders in accordance with section 3-106 at any time during the evaluation of the unpriced technical offers, or to explain the reverse auction process.

3-132 Procedure for Phase One of Reverse Auctions.

(1) Form. A reverse auction shall be initiated by the issuance of an Invitation for Bids in the form required by section 3-101. In addition to the requirements set forth in section 3-101, the reverse auction Invitation for Bids shall state:

(a) that unpriced technical offers are requested;

(b) that it is a reverse auction procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

(c) the criteria to be used in the evaluation of the unpriced technical offers;

(d) that the purchasing agency, to the extent the procurement officer finds necessary, may conduct oral or written discussions of the unpriced technical offers;

(e) that bidders may designate those portions of the unpriced technical offers which contain trade secrets or other proprietary data which are to remain confidential; and

(f) the manner which the second phase reverse auction will be conducted.

(2) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers and they shall be allowed to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the procurement officer, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids shall be canceled in accordance with Subsection R33-3-112(1) of these rules and a new Invitation for Bids issued.

(3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers shall be opened publicly identifying only the names of the bidders. Technical offers and modifications shall be time stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of bids, a register of bids shall be open to public inspection and shall include the name of each bidder, and a description sufficient to identify the supply, service, or construction offered. Prior to the selection of the lowest bid of a responsive and responsible bidder following phase two, technical offers shall remain confidential and shall be available only to purchasing agency personnel and those involved in the selection process having a legitimate interest in them.

(4) Non-Disclosure of Proprietary Data. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing. If a bidder has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the procurement officer shall examine the request in the proposal to determine its validity prior to the beginning of phase two. If the parties do not agree as to the disclosure of data, the procurement officer shall inform the bidder in writing what portion of the bid will be disclosed and that, unless the bidder withdraws the bid it will be disclosed.

(5) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as:

(a) acceptable;

(b) potentially acceptable, that is, reasonably susceptible of being made acceptable; or

(c) unacceptable. The procurement officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

The procurement officer may initiate phase two of the procedure if, in the procurement officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without modification or alteration of the offers. If the procurement officer finds that this is not the case, the procurement officer shall issue an amendment to the Invitation for Bids or engage in technical discussions as set forth in subsection (6) of this section.

(6) Discussion of Unpriced Technical Offers. Discussion of its technical offer may be conducted by the procurement officer with any bidder who submits an acceptable or potentially acceptable technical offer. During the course of these discussions the procurement officer shall not disclose any information derived from one unpriced technical offer to any other bidder. Once discussions are begun, any bidder who has not been notified that its offer has been finally found unacceptable may submit supplemental information modifying or otherwise amending its technical offer at any time until the closing date established by the procurement officer. This submission may be made at the request of the procurement officer or upon the bidder's own initiative.

(7) Notice of Unacceptable Unpriced Technical Offer. When the procurement officer determines a bidder's unpriced technical offer is unacceptable, the officer shall notify the bidder. After this notification the bidder shall not be afforded an additional opportunity to modify their technical offer.

3-133 Carrying Out Phase Two of Reverse Auctions.

(1) Upon the completion of phase one, the procurement officer shall invite those technically qualified bidders to participate in phase two of the reverse auction which is an open and interactive process where pricing is submitted, made public immediately, and bidders are given opportunity to submit revised, lower bids, until the bidding process is closed.

(2) The invitation for bids shall:

(a) establish a date and time for the beginning of phase two;

(b) establish a closing date and time. The closing date and time need not be a fixed point in time, but may remain dependent on a variable specified in the invitation for bids.

(3) Following receipt of the first bid after the beginning of phase two, the lowest bid price shall be posted, either manually or electronically, and updated as other bidders submit their bids.

(a) At any time before the closing date and time a bidder may submit a lower bid, provided that the price is below the then lowest bid.

(b) Bid prices may not be increased after the beginning of phase two.

3-134 Mistakes During Reverse Auctions.

(1) Mistakes may be corrected or bids may be withdrawn during phase one:

(a) before unpriced technical offers are considered;

(b) after any discussions have commenced under section 3-132(5) (procedure for Phase One of Reverse Auctions, Discussion of Unpriced Technical Offers); or

(c) when responding to any amendment of the Invitation for Bids. Otherwise mistakes may be corrected or withdrawal permitted in accordance with section 3-111.

(2) A phase two bid may be withdrawn only in accordance with 3-111. If a bid is withdrawn, a later bid submitted by the same bidder may not be for a higher price. If the lowest responsive bid is withdrawn after the closing date and time, the procurement officer may cancel the solicitation or reopen phase two bidding to all bidders deemed technically qualified through phase one by giving notice to those bidders of the new date and time for the beginning of phase two and the new closing date and time.

KEY: government purchasing
[~~June 15, 2000~~]2001 **63-56**
Notice of Continuation December 30, 1997



**Administrative Services, Purchasing
and General Services**
R33-3-7
Types of Contracts

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23962
FILED: 07/31/2001, 17:13
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Procurement Policy Board has amended this rule to reflect a change in philosophy regarding Multiple Award contracts.

SUMMARY OF THE RULE OR CHANGE: This rule amendment deletes language which formerly imposed restrictions on when Multiple Awards could be made. The rule change provides for more choices and best value determinations to be made.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-56-7 and 63-56-14

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--This amendment removes potentially subjective language in managing multiple awards and makes it consistent with the progressive practices being implemented by State purchasing. It is not anticipated that the state budget will be adversely affected by this change.
 - ❖LOCAL GOVERNMENTS: None--This rule does not apply to local government.
 - ❖OTHER PERSONS: None--There should be no fiscal impact on other persons. The change increases the potential that more vendors might receive state contracts.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There should be no fiscal impact on other persons. The change

increases the potential that more vendors might receive state contracts.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change removes potentially subjective language in managing multiple awards and makes it consistent with the progressive practices being implemented by State purchasing. Agencies are still cautioned to protect the principles of competitive solicitation, but are empowered to make award decisions that respond to the needs of the agency. Department of Administrative Services concurs with the proposed change.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Administrative Services
Purchasing and General Services
3150 State Office Building
PO Box 141061
Salt Lake City, UT 841114-1061, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas Richins at the above address, by phone at (801) 538-3143, by FAX at (801) 538-3882, or by Internet E-mail at drichins@utah.gov.

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 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Douglas Richins, Director

R33. Administrative Services, Purchasing and General Services.
R33-3. Source Selection and Contract Formation.
R33-3-7. Types of Contracts.

3-701 Policy Regarding Selection of Contract Types.

(1) General. The selection of an appropriate contract type depends on factors such as the nature of the supplies, services, or construction to be procured, the uncertainties which may be involved in contract performance, and the extent to which the purchasing agency or the contractor is to assume the risk of the cost of performance of the contract. Contract types differ in the degree of responsibility assumed by the contractor for the costs of performance and the amount and kind of profit incentive offered the contractor to achieve or exceed specified standards or goals.



3-708 Progressive and Multiple Awards.

(1) Progressive Award. A progressive award is an award of portions of a definite quantity requirement to more than one contractor. Each portion is for a definite quantity and the sum of the portions is the total definite quantity procured. A progressive award may be in the purchasing agency's best interest when awards to more than one bidder or offeror for different amounts of the same

item are needed to obtain the total quantity or the time or times of delivery required.

(2) Multiple Award. A multiple award is an award of an indefinite quantity contract for one or more similar supplies or services to more than one bidder or offeror, and the purchasing agency is obligated to order all of its actual, normal requirements for the specified supplies or services from those contractors. A multiple award may be in the purchasing agency's best interest when award to two or more bidders or offerors for similar products is needed for adequate delivery, service, or availability, or for product compatibility. In making a multiple award, care shall be exercised to protect and promote the principles of competitive solicitation. ~~Multiple awards shall not be made when a single award will meet the purchasing agency's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business, making available product or supplier selection to allow for user preference, or avoiding the resolution of tie bids. Any awards shall be limited to the least number of suppliers necessary to meet the valid requirements of using agencies.~~ All eligible users of the contract shall be named in the solicitation, and it shall be mandatory that the requirements of the users that can be met under the contract be obtained in accordance with the contract, provided, that:

(a) the purchasing agency shall reserve the right to take bids separately if a particular quantity requirement arises which exceeds an amount specified in the contract; or

(b) the purchasing agency shall reserve the right to take bids separately if the procurement officer approves a finding that the supply or service available under the contract will not meet a nonrecurring special need of the agency.

(3) Intent to Use. If a progressive or multiple award is anticipated prior to issuing a solicitation, the method of award shall be stated in the solicitation.

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KEY: government purchasing
~~[June 15, 2000]~~2001
Notice of Continuation December 30, 1997

63-56



Commerce, Occupational and
Professional Licensing
R156-11a
Cosmetologist/Barber Licensing Act
Rules

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 23954
FILED: 07/30/2001, 15:20
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to amend the rules as a result of changes

made to Title 58, Chapter 11a, the Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act, by the 2001 Legislature (see H.B. 105). The changes to the statute created several new license classifications for esthetician, master esthetician, electrologist, and nail technician. It also included licensure for instructors and schools of the respective professions.

(DAR Note: H.B. 105 can be found at 2001 Utah Laws 204, and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: The title of the rules is amended to reflect the addition of "esthetician, electrologist, and nail technician" licensing requirements.

In Section R156-11a-102 - Definitions, the definition for "direct supervision of an on the job training intern" was deleted. The following definitions were added: "advanced pedicures", "BCA acid", "Being engaged in the practice of esthetics", "Being engaged in the practice of master esthetics", "Body wraps", "Chemical exfoliation", "Dermabrasion or open dermabrasion", "Dermaplane", "Equivalent number of credit hours", "Exfoliation", "Galvanic current", "Health care practitioner", "Hydrotherapy", "Limited chemical exfoliation", "Manipulating", "Manual lymphatic massage", "Microdermabrasion", "Patch test" or "Predisposition test", "Supervision by a licensed health care practitioner", "and TCA acid".

In Section R156-11a-302a - Examination Requirements: Changed that a cosmetologist/barber shall pass the Utah Cosmetology Barber Practical Exam or an equivalent exam as established by the Division in collaboration with the Board. The wording, which is being deleted, provided that a cosmetologist/barber applicant shall pass the Utah Cosmetology/Barber Practical Exam or "an equivalent practical exam taken in another state". Deleted that applicants for licensure as a cosmetologist/barber apprentice shall pass the Utah Law and Rules examination since the statute no longer provides for the licensure of cosmetology/barber apprentices. Added that applicants for licensure as an electrologist shall also take and pass the Utah Electrologist Theory Examination and the Utah Electrology Practical Examination. Added examination requirements for the following: electrologist instructor, esthetician, master esthetician, esthetician instructor, nail technician, and nail technician instructor.

Added Section R156-11a-302b which provides a December 31, 2001, deadline for making application under the grandfather clauses contained in the statute.

In Section R156-11a-502 - Unprofessional Conduct: Updated some of the unprofessional definitions to reflect that the definitions apply to cosmetology/barber, esthetics, electrology, and nail technology professions. Added the following unprofessional conduct definitions: failing to comply with the specific standards for curriculums applicable to schools identified in Sections R156-11a-701 through R156-11a-704; using any device classified by the Food and Drug Administration as a medical device without the supervision of a licensed health care practitioner acting in the scope of the licensee's practice; performing services within the scope of practice as a master esthetician without having been adequately trained to perform such services; violating any standard established in Sections R156-11a-601 through

R156-11a-612; as a nail technician, using methyl methacrylate; performing a procedure while the licensee has a known contagious disease of a nature that may be transmitted by performing the procedure, unless the licensee takes medically approved measures to prevent transmission of the disease; and performing a procedure on a client who has a known contagious disease of a nature that may be transmitted by performing the procedure, unless the licensee takes medically approved measures to prevent transmission of the disease. Deleted the unprofessional conduct definitions relating to on the job training internships.

In Section R156-11a-601 - Standards for Accreditation: Updated the standards to reflect that the standards apply to cosmetology/barber, esthetics, electrology, and nail technology schools. Added that a new school shall also register with the Utah Board of Regents in addition to the additional accrediting standards required. Added that a licensee who fails to obtain or maintain accreditation status shall immediately surrender to the Division its license as a school.

In Section R156-11a-602 - Standards for the Physical Facility: Updated the standards to reflect that the standards apply to cosmetology/barber, esthetics, electrology, and nail technology schools. Also, added that the standards for the physical facility shall include: the governing standards established by the accreditation commission; and whether or not addressed in the governing standards, each facility shall have the following available: enough of each type of training equipment so that each student has an equal opportunity to be properly trained; laundry facilities to maintain sanitation and sterilization; and appropriate amounts of clean towels, sheets, linen, sponges, headbands, compresses, robes, drapes, and other necessary linens for each student's and client's use. Deleted the standards established by the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS) 1996-1997 handbook, Section R156-11a-8, which was incorporated by reference. Also deleted the standards established by other accrediting commission recognized by the Utah Board of Regents for post secondary schools, standards for physical facilities.

Section R156-11a-603 - Standards for a Student Kit: Updated the standards to reflect that the standards apply to cosmetology/barber, esthetics, electrology, and nail technology schools.

Deleted in its entirety Section R156-11a-604 - Standard for Administration of the Utah Practical Examination.

Section R156-11a-605 - Standards for Prohibition Against Operation as a Salon: Updated this section to provide that when a professional salon and a school are under the same ownership or otherwise associated, separate operation of the salon and the school is required. Also, added that if the salon and the school are located in the same building, separate entrances and visitor reception areas are required. The salon and the school shall also use separate public information releases, advertisements and names.

Section R156-11a-606 - Standards for Protection of Students: minor modifications were made with respect to this section to update statute citations and delete that the section only applied to cosmetology/barber students.

Sections R156-11a-607 - Standards for Protection of Schools, R156-11a-608 - Standards for a Written Contract,

and R156-11a-609 - Standards for Staff Requirements of Schools: Updated the standards to reflect that the standards apply to cosmetology/barber, esthetics, electrology, and nail technology schools. Updated that schools are required to have as a minimum, one licensed instructor for every 20 students or fraction thereof, attending a practical session and one licensed instructor for any group attending a theory session.

Added the following new sections: R156-11a-609 - Standards for Instructors; R156-11a-610 - Standards for the Use of Acids; R156-11a-611 - Standards for Approval of Mechanical or Electrical Apparatus; and Section R156-11a-612 - Standards for Disclosure.

Section R156-11a-801 (Changed to R156-11a-701) - Curriculum for Electrology Schools: Updated some of the curriculum requirements.

Added the following sections: Section R156-11a-702 - Curriculum for Esthetics School-Esthetician Programs. Section R156-11a-703 - Curriculum for Esthetics School-Master Esthetician Programs; R156-11a-704 - Curriculum for Nail Technology Schools; and R156-11a-705 - Curriculum for Cosmetology/Barber Schools.

In Section R156-11a-701 (Changed to R156-11a-801) - Approved Cosmetologist/Barber Apprenticeship Requirements: Added the following: The supervisor shall provide training and technical instruction of 2,500 hours using the curriculum defined in Section R156-11a-705. The supervisor shall limit the training of the apprentice to not more than 40 hours per week and not more than 5 days out of every 7 consecutive days. An apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects specified in Section R156-11a-705. Hours obtained while enrolled in a cosmetology/barber school shall not be used to satisfy the required 2,500 hours of apprentice training.

Added the following new sections: Section R156-11a-802 - Approved Esthetician Apprenticeship Requirements; Section R156-11a-803 - Approved Master Esthetician Apprenticeship Requirements; Section R156-11a-804 - Approved Nail Technician Apprenticeship Requirements; and Section R156-11a-805 - Conflicts of Interest.

In Section R156-11a-702 (Changed to R156-11a-901) - On the Job Training Internship: Made minor wording changes in the section.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS) 1996-1997 Handbook, Section 8, Standards and Criteria for Instructional Space and Facilities

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will incur a cost of approximately \$100 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. It should be noted

that the statute changes (see Section 58-11-503) give citation authority to the Division to issue citations and impose fines to persons who have violated Subsections 58-11a-502(1) or 58-11a-502(2). Revenue from the citations and fines paid will be collected and used by the Division to help cover enforcement costs. The Division is unable to determine how many citations may be issued and how many fines may be paid. Any additional costs incurred by the Division to regulate the newly added professions will be offset by the application and renewal fees paid by the new licensees.

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

❖OTHER PERSONS: Persons who previously had to apply for licensure as a cosmetology/barber apprentice will see a savings of at least \$75 per person since the statute changes no longer require licensure as a cosmetology/barber apprentice. These persons will save the \$25 application fee and a \$50 law/rule examination fee. The following application fees and renewal fees will be incurred by the newly regulated professions: Esthetician - \$50 application and \$40 for renewal; Master Esthetician - \$75 application and \$40 for renewal; Esthetician Instructor - \$50 application; Esthetician School - \$100 application and \$100 for renewal; Electrology Instructor - \$50 application; Electrology School - \$100 application and \$100 for renewal; Nail Technician - \$50 application and \$40 for renewal; Nail Technology Instructor - \$50 application; and Nail Technology School - \$100 application and \$100 for renewal. It should be noted that the application and renewal fees for a cosmetologist/barber were increased by the Legislature as follows: Cosmetologist/Barber - \$50 application and \$40 for renewal. Also, the newly regulated professions, which include esthetician, master esthetician, nail technician, and instructors in these classifications, will be required to take and pass a new written Law and Rules examination at a cost of approximately \$50 per person. There will be costs associated with the theory and practical examinations required for the newly regulated professions. Since the Division and its contract testing agency are currently in the process of creating these examinations, the exact examination fees that will be charged is unknown at the time of this rule filing. There are also costs associated with each newly regulated school gaining accreditation status. However, these costs vary depending on the accrediting body. The Division is unable to determine how many persons will apply for licensure in the respective new professions and is therefore unable to determine aggregate amounts.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The following application fees and renewal fees will be incurred by the newly regulated professions: Esthetician - \$50 application and \$40 for renewal; Master Esthetician - \$75 application and \$40 for renewal; Esthetician Instructor - \$50 application; Esthetician School - \$100 application and \$100 for renewal; Electrology Instructor - \$50 application; Electrology School - \$100 application and \$100 for renewal; Nail Technician - \$50 application and \$40 for renewal; Nail Technology Instructor - \$50 application; and Nail Technology School - \$100

application and \$100 for renewal. It should be noted that the application and renewal fees for a cosmetologist/ barber were increased by the Legislature as follows: Cosmetologist/ Barber - \$50 application and \$40 for renewal. Also, the newly regulated professions, which include esthetician, master esthetician, nail technician, and instructors in these classifications, will be required to take and pass a new written Law and Rules examination at a cost of approximately \$50 per person. There will be costs associated with the theory and practical examinations required for the newly regulated professions. Since the Division and its contract testing agency are currently in the process of creating these examinations, the exact examination fees that will be charged is unknown at the time of this rule filing. There are also costs associated with each newly regulated school gaining accreditation status. However, these costs vary depending on the accrediting body.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A business fiscal impact will emanate from the decision of the Legislature to establish new laws and rules implementing them for licensing 13 classifications that relate to cosmetologist/barber, esthetician, master esthetician, electrologist, and nail technician occupations as well as to classifications for instructors and schools. Individuals seeking licensure in the above occupations will be required to take a newly written law and rules examination at a cost of approximately \$50 each. The new licensure fee for all professional schools will be \$100. The fee for the licensure of nail technicians, estheticians, and cosmetologist/barbers will be \$50. Licensure of a master esthetician will cost \$75 and that of an electrologist will be \$40. When the licensee commences work, these costs may well be passed on to the ultimate consumer of services provided by these licensed providers. 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:

Daniel T. Jones at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dtjones@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 09/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/20/2001, 9:00 a.m., 160 East 300 South, South Conference Room (First Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-11a. Cosmetologist/Barber, Esthetician, Electrologist, and
Nail Technician Licensing Act Rules.**

R156-11a-101. Title.

These rules are known as the "Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules."

R156-11a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 11a, as used in Title 58, Chapters 1 and 11a or these rules:

(1) "Direct supervision of an on the job training intern", as used in Subsections 58-11a-304(8), means that the on the job training intern's cosmetology/barber supervisor works in the facility and is on the premises at the time the on the job training intern is working and is available for advice, direction, and consultation.](1) "Advanced pedicures", as used in Subsection 58-11a-102(27)(a)(i)(D), means cleaning, trimming and caring of the nail, cuticles, and calluses of the feet utilizing various equipment, instruments, implements as well as topical products and preparations.

(2) "BCA acid" means bicloroacetic acid.

(3) "Being engaged in the practice of esthetics", as used in Subsections 58-11a-302(7)(d)(iii) and (iv), means having been engaged in a scope of practice that includes at least 50% of the modalities listed in Subsection 58-11-102(25).

(4) "Being engaged in the practice of master esthetics", as used in Subsections 58-11a-302(8)(d)(iii) and (v), means having been engaged in a scope of practice that includes at least 50% of the modalities listed in Subsection 58-11a-102(27).

(5) "Body wraps", as used in Subsection 58-11a-102(27)(a)(i)(A), means body treatments utilizing products or equipment to enhance and maintain the texture, contour, integrity and promote the health of the skin and body.

(6) "Chemical exfoliation", as used in Subsection 58-11a-102(27)(a)(i)(C), means a resurfacing procedure performed with a chemical solution or product for the purpose of removing superficial layers of the epidermis to a point no deeper than the stratum corneum.

(7) "Dermabrasion or open dermabrasion" means the surgical application of a wire or diamond frieze by a physician to abrade the skin to the epidermis and possibly down to the papillary dermis.

(8) "Dermaplane" means the use of a scalpel or bladed instrument by a physician to shave the upper layers of the stratum corneum.

(9) "Equivalent number of credit hours" means:

(a) the following conversion table if on a semester basis:

(i) theory - 1 credit hour - 30 clock hours;

(ii) practice - 1 credit hour - 30 clock hours; and

(iii) clinical experience - 1 credit hour - 45 clock hours; and

(b) the following conversion table if on a quarter basis:

(i) theory - 1 credit hour - 20 clock hours;

(ii) practice - 1 credit hour - 20 clock hours; and

(iii) clinical experience - 1 credit hour - 30 clock hours.

(10) "Exfoliation" means the sloughing off of non-living skin cells by very superficial and non-invasive means.

(11) "Galvanic current" means a constant low-voltage direct current.

(12) "Health care practitioner" means a physician/surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, or a physician assistant licensed under Title 58, Chapter 70, Physician Assistant Act.

(13) "Hydrotherapy", as used in Subsection 58-11a-102(27)(a)(i)(B), means the use of water for cosmetic purposes or beautification of the body.

(14) "Limited chemical exfoliation" means an extremely gentle chemical exfoliation.

(15) "Manipulating", as used in Subsection 58-11a-102(25)(a), means applying a light pressure by the hands to the skin.

(16) "Manual lymphatic massage", as used in Subsection 58-11a-102(25)(b), means a method using light pressure applied by manual or other means to the skin in specific maneuvers to promote drainage of the lymphatic fluid through the tissue.

(17) "Microdermabrasion", as used in Subsection 58-11a-102(27)(a)(i)(E), means a gentle, progressive, superficial, mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.

(18) "Patch test" or "predisposition test" means applying a small amount of a chemical preparation to the skin of the arm or behind the ear to determine possible allergies of the client to the chemical preparation.

(19) "Supervision by a licensed health care practitioner" means a health care practitioner who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee pursuant to this chapter in the treatment of a patient of the health care practitioner while:

(a) the health care practitioner is physically located on the premises and is immediately available to care for the patient if complications arise; or

(b) the patient is physically located on the premises of the health care practitioner.

(20) "TCA acid" means trichloroacetic acid.

(21) "Unprofessional conduct" is further defined, in accordance with Subsection 58-1-203(5), in Section R156-11a-[502]501.

R156-11a-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 11a.

R156-11a-104. Organization - Relationship to Rule R156-1.

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

R156-11a-301. Change of Legal Entity.

In accordance with Section 58-11a-301, a school shall be required to submit a new application for licensure upon any change of legal entity status. The new legal entity may not engage in practice as a [cosmetology/barber]licensed school, pursuant to Subsections 58-11a-102(14), (15), (16), and (17), until the application is approved and a license issued.

R156-11a-302a. Qualifications for Licensure - Examination Requirements.

In accordance with ~~Subsections~~ Section 58-11a-302(4)(e), 58-11a-302(2)(d), 58-11a-302(3)(f), and 58-11a-302(4)(e), the various examination requirements for licensure are established as follows:

(1) Applicants for licensure as a cosmetologist/barber shall:
(a) pass the Utah Law and Rules Examination with a score of at least 75%;

(b)(i) pass the Utah Cosmetology/Barber Theory Exam with a score of at least 75%; or

(ii) pass the National-Interstate Council of State Boards of Cosmetology National examination with a passing score as established by the Council of State Boards of Cosmetology; and

(c)(i) pass the Utah Cosmetology/Barber Practical Exam or ~~[an equivalent Practical Exam taken in another state]~~ an equivalent exam as established by the Division in collaboration with the Board; or

(ii) have practiced as a licensed cosmetologist/barber in another state for a period of not less than 4,000 hours.

(2) ~~[Applicants for licensure as a cosmetologist/barber apprentice shall pass the Utah Law and Rules Examination with a passing score of at least 75%.~~

~~—(3)—~~ Applicants for licensure as a cosmetologist/barber instructor shall pass the following:

(a) the Utah Cosmetologist/Barber Instructor Licensing Examination with a passing score of at least 75%; and

(b) the Utah Law and Rules Examination with a passing score of at least 75%.

~~(#3)~~ Applicants for licensure as an electrologist shall pass the following:

(a)(i) the National-Interstate Council of State Boards of Cosmetology Electrologist test with a passing score as established by the Council of State Boards of Cosmetology; ~~and~~ or

(ii) the Utah Electrologist Theory Examination;

(b) the Utah Law and Rules Examination with a passing score of at least 75%; and

(c) the Utah Electrology Practical Examination.

(4) Applicants for licensure as an electrologist instructor shall pass the following:

(a) the Utah Electrologist Instructor Examination with a passing score of at least 75%; and

(b) the Utah Law and Rules Examination with a passing score of at least 75%.

(5) Applicants for licensure as an esthetician shall pass the following:

(a) if applying for licensure under Subsections 58-11a-302(7)(d)(i) or (ii):

(i) the Utah Law and Rules Examination with a passing score of at least 75%;

(ii) (A) the Utah Esthetics Theory Examination with a passing score of at least 75%; or

(B) the National-Interstate Council of State Board of Cosmetology National Esthetics examination with a passing score as established by the Council of State Boards of Cosmetology; and

(iii) the Utah Esthetics Practical Examination or an equivalent exam as established by the Division in collaboration with the Board;

(b) if applying for licensure under Subsections 58-11a-302(7)(d)(iii) or (iv), no examination is required; or

(c) if applying for licensure under Subsection 58-11a-302(7)(d)(v):

(i) the Utah Esthetics Theory Examination with a passing score of at least 75%; or

(ii) the National-Interstate Council of State Boards of Cosmetology National Esthetics examination with a passing score as established by the Council of State Boards of Cosmetology.

(6) Applicants for licensure as a master esthetician shall pass the following:

(a) if applying for licensure under Subsections 58-11a-302(8)(d)(i) or (ii):

(i) the Utah Law and Rules Examination with a passing score of at least 75%;

(ii) the Utah Master Esthetician Theory Examination with a passing score of at least 75%; and

(iii) the Utah Master Esthetician Practical Examination or an equivalent exam as established by the Division in collaboration with the Board;

(b) if applying for licensure under Subsections 58-11a-302(8)(d)(iii) or (iv), no examination is required; or

(c) if applying for licensure under Subsection 58-11a-302(8)(d)(v), the Utah Master Esthetician Theory Examination.

(7) Applicants for licensure as an esthetician instructor shall pass the following:

(a) the Utah Esthetician Instructor Examination with a passing score of at least 75%; and

(b) the Utah Law and Rules Examination with a passing score of at least 75%.

(8) Applicants for licensure as a Nail Technician shall pass the following:

(a) if applying for licensure under Subsections 58-11a-302(11)(d)(i) or (ii):

(i) the Utah Law and Rules Examination with a passing score of at least 75%;

(ii)(A) the Utah Nail Technician Theory Examination with a passing score of at least 75%; or

(B) the National-Interstate Council of State Boards of Cosmetology National Nail Technician Examination with a passing score as established by the Council of State Boards of Cosmetology; and

(iii) pass the Utah Nail Technician Practical Examination or an equivalent exam as established by the Division in collaboration with the Board;

(b) if applying for licensure under Subsections 58-11a-302(11)(d)(iii) or (iv), no examination is required; or

(c) if applying for licensure under Subsection 58-11a-302(11)(d)(v):

(i) the Utah Nail Technician Theory Examination with a passing score of at least 75%; or

(ii) the National-Interstate Council of State Boards of Cosmetology National Nail Technician Examination with a passing score as established by the Council of State Boards of Cosmetology.

(9) Applicants for licensure as a nail technician instructor shall pass the following:

(a) the Utah Nail Technician Instructor Examination with a passing score of at least 75%; and

(b) the Utah Law and Rules Examination with a passing score of at least 75%.

R156-11a-302b. Deadline for Making Application under Grandfather Clause.

Applicants for licensure under the grandfather provisions in Subsections 58-11a-302(7)(d)(iii), (iv), and (v); (8)(d)(iii), (iv), and (v); and (11)(d)(iii), (iv), and (v) must apply for licensure on or before December 31, 2001. Thereafter, all applicants must meet all requirements for initial licensure including those established in Subsections 58-11a-302(7)(d)(i) and (ii), 58-11a-302(8)(d)(i) and (ii) or 58-11a-302(11)(d)(i) and (ii), respectively.

R156-11a-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licenses and certificates under Title 58, Chapter 11a is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-11a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(a)1) failing to provide direct supervision of an apprentice, [cosmetology/barber]a student attending a cosmetology/barber, esthetics, electrology, or nail technology school, or a student instructor;

(b)2) failing to obtain accreditation as a cosmetology/barber, esthetics, electrology, or nail technology school [within the specified time]in accordance with the requirements of Section R156-11a-601;

(c)3) failing to maintain accreditation as a cosmetology/barber, esthetics, electrology or nail technology school after having been approved for accreditation;

(d)4) failing to comply with the standards of accreditation applicable to cosmetology/barber, esthetics, electrology, or nail technology schools;

(e)5) failing to provide adequate instruction or training as applicable to a student of a cosmetology/barber, esthetics, electrology, or nail technology school or in an approved cosmetology/barber, esthetics, or nail technology apprenticeship[apprentice supervisor];

(f)6) failing to comply with Title 26,[of the] Utah Health Code;

(g)7) failing to comply with the apprenticeship [program]requirements applicable to cosmetologist/barber, esthetician, master esthetician, or nail technician apprenticeships as set forth in Sections R156-11a-[70+]801 through R156-11a-805;

(8) failing to comply with the standards for curriculums applicable to cosmetology/barber, esthetics, electrology, or nail technology schools as set forth in Sections R156-11a-701 through R156-11a-704;

(9) using any device classified by the Food and Drug Administration as a medical device without the supervision of a licensed health care practitioner acting in the scope of the licensee's practice;

(10) performing services within the scope of practice as a master esthetician without having been adequately trained to perform such services;

(11) violating any standard established in Sections R156-11a-601 through R156-11a-612;

(12) as a nail technician, using methyl methacrylate;

(13) performing a procedure while the licensee has a known contagious disease of a nature that may be transmitted by performing the procedure, unless the licensee takes medically approved measures to prevent transmission of the disease; and

(14) performing a procedure on a client who has a known contagious disease of a nature that may be transmitted by performing the procedure, unless the licensee takes medically approved measures to prevent transmission of the disease.[

—(h) failing to comply with the requirements of an on-the-job training internship as set forth in Subsections 58-11a-304(8) and R156-11a-702;

—(i) failing as a licensed cosmetologist/barber to directly supervise an on-the-job training intern;

—(j) allowing an unlicensed individual to work in an on-the-job training internship when the intern is not enrolled in a cosmetology/barber school licensed in the state; and

—(k) allowing an unlicensed individual to work as an on-the-job training intern who is enrolled in a cosmetology/barber school licensed in the state but who does not meet the requirements of R156-11a-702.]

R156-11a-601. Standards for Accreditation.

In accordance with Subsections [58-11a-302(5)(c)(iii) and 58-11a-302(5)(c)(iv)]58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv) 58-11a-302(10)(c)(iv), and 58-11a-302(13)(c)(iv), the accreditation standards for a cosmetology/barber school[s], an electrology school, an esthetics school, and a nail technology school include:

(1) Each school shall be required to become accredited by:

(a) the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS); or

(b) other accrediting commissions recognized by the Utah Board of Regents for post secondary schools.

(2) Each school shall maintain and keep the accreditation current.

(3) A new school shall:

(a) submit an application for candidate status for accreditation to an accrediting commission within one [week]month of receiving licensure from the Division as a cosmetology/barber school, an electrology school, an esthetics school, or a nail technology school and shall provide evidence of receiving candidate status from the accrediting commission to the Division within [90 days]12 months of the date the school was licensed;

(b) register with the Utah Board of Regents pursuant to Subsection 53B-5-105(1)(e); and

(c) comply with all applicable accreditation standards during the pendency of its application for accreditation status.

(4) The school shall have 24 months following the date of receiving candidate status[the application for candidate status for accreditation was submitted to the accrediting commission] to be approved for accreditation.

(5) [Each school shall at all times comply with the standards for cosmetology/barber schools set by the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS):]A licensee who fails to obtain or maintain accreditation status, as required herein, shall immediately surrender to the Division its license as a school. Failure to do so shall constitute a basis for

immediate revocation of licensure in accordance with Section 63-46b-20.

R156-11a-602. Standards for the Physical Facility.

In accordance with Subsections 58-11a-302[(5)(c)(iii)](3)(c)(iii), 58-11a-302(6)(c)(iii), 58-11a-302(10)(c)(iii) and 58-11a-302(13)(c)(iii), the standards for the physical facility of a cosmetology/barber school, an electrology school, an esthetics school, and a nail technology school shall beinclude:

(1) the governing standards established by the accreditation commission; and

(2) whether or not addressed in the governing standards, each facility shall have the following available:

(a) enough of each type of training equipment so that each student has an equal opportunity to be properly trained;

(b) laundry facilities to maintain sanitation and sterilization; and

(c) appropriate amounts of clean towels, sheets, linen, sponges, headbands, compresses, robes, drapes and other necessary linens for each student's and client's use.~~[the standards established by the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS) 1996-1997 Handbook, Section 8, Standards and Criteria for Instructional Space and Facilities, which is hereby incorporated by reference; or~~

~~(2) the standards established by other accrediting commissions recognized by the Utah Board of Regents for post secondary schools, standards for physical facilities.]~~

R156-11a-603. Standards for a Student Kit.

(1) In accordance with Subsection 58-11a-302([5]3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(10)(c)(iv), and 58-11a-302(13)(c)(iv), cosmetology/barber, electrology, esthetics, and nail technology schools shall provide a list of all basic kit supplies needed by each student.

(2) The basic kit may be supplied by the school or purchased independently by the student.

~~**R156-11a-604. Standard for Administration of the Utah Practical Examination:**~~

~~(1) In accordance with Subsection 58-11a-302(5)(c)(iv), schools shall administer the Utah Practical Examination which students must pass as a condition of graduation:~~

~~(2) The school shall provide the results of the examination to the division upon forms prescribed by the division:~~

R156-11a-60[5]4. Standards for Prohibition Against Operation as a Salon.

(1) In accordance with Subsection 58-11a-302([5]3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11-302(10)(c)(iv), and 58-11a-302(13)(c)(iv), when a professional salon and a school are under the same ownership or otherwise associated, separate operation of the salon and the school is required~~[schools shall not operate as a salon:~~

~~(2) Any salon operating within the close proximity of a school shall have a separate entrance and shall not share any floor space, facilities or equipment].~~

(2) If the salon and the school are located in the same building, separate entrances and visitor reception areas are required.

The salon and the school shall also use separate public information releases, advertisements and names.

R156-11a-60[6]5. Standards for Protection of Students.

In accordance with Subsections 58-11a-302[(5)(c)(iv)](3)(c)(iii) and (iv), 58-11a-302(6)(c)(iii) and (iv), 58-11a-302(10)(c)(iii) and (iv), 58-11a-302(13)(c)(iii) and (iv), standards for the protection of students shall include the following:

(1) ~~[Schools are responsible to maintain each students' records and upon request by a student shall provide to the student information such as accumulated student hours and dates of attendance.]~~In the event a school ceases to operate for any reason, the school shall notify the division within 15 days by registered or certified mail and shall name a trustee who will be responsible to maintain the student records. Upon request, the trustee shall provide information such as accumulated student hours and dates of attendance.

(2) Schools shall not use students to perform maintenance, janitorial or remodeling work such as scrubbing floor, walls or toilets, cleaning windows, waxing floors, painting, decorating, or performing any outside work on the grounds or building. Students may be required to clean up after themselves and to perform or participate in daily cleanup of work ~~[stations]areas, including the floor space,~~ shampoo bowls, laundering of towels and linen and other general cleanup duties that are related to the performance of client services.

(3) Schools shall not require students to sell ~~[cosmetology/barber]products applicable to their industry[for the school]~~ as a condition to graduate, but may provide instruction in ~~[cosmetology/barber]product[s]~~ sales techniques as part of their curriculum.

(4) Schools shall keep a daily written [daily log]record of student attendance~~[at the beginning and end of each break].~~

(5) Schools shall not be permitted to remove hours earned by a student. If a student is late for class, the school may require the student to retake the class before giving credit for the class.

R156-11a-60[7]6. Standards for Protection of Schools.

In accordance with Subsection 58-11a-302([5]3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(10)(c)(iv), and 58-11a-302(13)(c)(iv), standards for the protection of cosmetology/barber, electrology, esthetics, and nail technology schools shall include~~[the following]:~~

(1) Schools shall not be required to release documentation of hours earned to a student until the student has paid the tuition or fees owed to the school as provided in the terms of the contract.

(2) Schools may accept transfer students. Schools shall determine the amount of hours to be accepted toward graduation based upon an evaluation of the student's level of training.

R156-11a-60[8]7. Standards for a Written Contract.

(1) In accordance with Subsection 58-11a-302([5]3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(10)(c)(iv), and 58-11a-302(13)(c)(iv), cosmetology/barber, electrology, esthetics, and nail technology schools shall complete a written contract with each student prior to admission.

(2) Each contract shall contain, as a minimum:

(a) the current status of the school's accreditation;

(b) rules of conduct;

(c) attendance requirements;
 (d) provisions for make up work;
 (e) grounds for probation, suspension or dismissal; and
 (f) a detailed fee schedule which shall include the student's financial responsibility upon voluntarily leaving the school or upon being suspended from the school.

(3) The school shall maintain on file a copy of the contract ~~[on file]~~ for each student and shall provide a copy of the contract to the division upon request.

R156-11a-60[9]8. Standards for Staff Requirements of [Cosmetologist/Barber] Schools.

In accordance with Subsection 58-11a-302(5)3(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(10)(c)(iv), and 58-11a-302(13)(c)(iv), the staff requirement for cosmetology/barber, electrology, esthetics and nail technology school[s] shall include~~[be as follows]~~:

(1) Schools shall be required to have, as a minimum, one licensed instructor for every 20 students, or fraction thereof, attending a practical session, and one licensed instructor for any group attending a theory session~~[present in the school]~~. Special guest speakers shall not reduce the number of licensed instructors required to be present.

(2) Schools may give credit for special workshops, training seminars, and competitions, or may invite special guest speakers who are not licensed in accordance with Section 58-11a-302~~[cosmetologist/barbers or licensed instructors]~~, to provide instruction or give practical demonstrations to supplement the curriculum~~[-]~~ as long as a licensed instructor from the school is present.

(3) Student instructors shall not be counted as part of the instructor staff.

R156-11a-609. Standards for Instructors.

(1) In accordance with Subsections 58-11a-302(2)(c)(iv), 58-11a-302(5)(c)(iv), 58-11a-302(9)(c)(iv), and 58-11a-302(12)(c)(iv), cosmetology/barber, electrology, esthetics, and nail technology instructors may only teach in those areas for which they have received training and are qualified to teach.

(2) In accordance with Subsection 58-11a-102(21)(b), an individual licensed as a cosmetology/barbering instructor may teach esthetics in a licensed cosmetology/barber school or an approved cosmetology/barber apprenticeship, provided the individual can demonstrate the same experience as required in Subsection 58-11a-302(9)(e).

(3) An instructor may only teach the use of a mechanical or electrical apparatus for which the instructor is trained and qualified.

R156-11a-610 Standards for the Use of Acids.

In accordance with Subsections 58-11a-102(25)(c), 58-11a-102(27)(i)(C) and 58-11a-501(17), the standards for the use of any acid or concentration of acids, shall be:

(1) The use of any acid or acid solution which would exfoliate the skin below the stratum corneum, including those listed in Subsections (3) and (4), is prohibited unless used under the supervision of a licensed health care practitioner.

(2) The following acids are prohibited unless used under the supervision of a licensed health care practitioner:

- (a) phenol;
- (b) trichloroacetic acid;

(c) bichloroacetic acid;
 (d) resorcinol, except as provided in Subsection (4)(b); and
 (e) any acid in any concentration level that requires a prescription.

(3) Limited chemical exfoliation for an esthetician does not include the mixing and combining of skin exfoliation products or services, but does include:

(a) alpha hydroxy acids of 30% or less, with a pH of not less than 3.0; and

(b) salicylic acid of 20% with a pH of not less than 3.0.

(4) Chemical exfoliation for a master esthetician includes using:

(a) those acids allowed for an esthetician;

(b) modified jessner solution on the face and the tissue immediately adjacent to the jaw line;

(c) alpha hydroxy acids with a pH of not less than 1.0 and at a concentration of 50% must include partially neutralized acids, and any acid above the concentration of 50% is prohibited;

(d) beta hydroxy acids with a concentration of not more than 30%;

(e) azelaic acid;

(f) kojic acid;

(g) amino acids at a concentration of not more than 30%; and

(h) vitamin based acids.

(5) A licensee may not apply any exfoliating acid to a client's skin that has undergone microdermabrasion within the previous seven days.

(6)(a) A licensee shall prepare and maintain current documentation of the licensee's cumulative experience in chemical exfoliation, including:

(i) courses of instruction;

(ii) specialized training;

(iii) on-the-job experience; and

(iv) the approximate percentage that chemical exfoliation represents in the licensee's overall business.

(b) A licensee shall provide the documentation required by Subsection (6)(a) to the division upon request.

(7) A licensee may not use an acid or perform a chemical exfoliation for which the licensee is not competent to use or perform through training and experience and as documented in accordance with Subsection (6).

(8) Only commercially available products utilized in accordance with manufacturers' instructions may be used for chemical exfoliation purposes.

(9) A patch test shall be administered to each client prior to beginning any chemical exfoliation series.

R156-11a-611. Standards for Approval of Mechanical or Electrical Apparatus.

In accordance with Subsection 58-11a-102(27)(a)(i)(F)(II), the standards for approval of mechanical or electrical apparatus shall be:

(1) No mechanical or electrical apparatus that is considered a prescription medical device by the FDA may be used by a licensee, unless such use is completed under the supervision of a licensed health care practitioner acting within the scope of the licensee's license.

(2) Dermaplane procedures, dermabrasion procedures, blades, knives, lancets, and any tools that invade the skin or living cells are prohibited except for:

- (a) advanced pedicures; and
- (b) extraction of impurities from the skin.

(3) The use of any procedure in which human tissue is cut or altered by mechanical or energy form, including electrical or laser energy or ionizing radiation, is prohibited for all individuals licensed under this chapter unless under the supervision of a licensed health care practitioner acting within the scope of the licensee's license.

(4) To be approved, a microdermabrasion machine must meet the following criteria:

- (a) specifically labeled for cosmetic or esthetic purposes;
- (b) closed-loop vacuum system that uses a tissue retention device; and
- (c) the normal and customary use of the machine does not result in the removal of the epidermis beyond the stratum corneum.

R156-11a-612. Standards for Disclosure.

(1) In accordance with Subsections 58-11a-102(25)(c) and (27)(i)(C), a licensee acting within the licensee's scope of practice shall inform a client of the following before applying a chemical exfoliant or using a microdermabrasion machine:

- (a) that the procedure may only be performed for cosmetic and not medical purposes, unless the licensee is working under the supervision of a licensed health care practitioner, who is working within the scope of the practitioner's license; and
- (b) the benefits and risks of the procedure.

R156-11a-8701. ~~[Electrology]~~ Curriculum for Electrology Schools.

In accordance with Subsection 58-11a-302~~(4)(d)~~(6)(c)(iv), the ~~[500 hours electrology]~~ curriculum for an electrology school shall consist of 500 hours of instruction in~~clude~~ the following subject areas:

- (1) Introduction as follows:
 - (a) history of electrology; and
 - (b) overview of curriculum~~;~~ and
 - ~~(c) study skills.~~
- (2) Basic Science and Anatomy as follows:
 - (a) medical definitions and diagnosis;
 - (b) ~~[structure and function of the skin;~~
 - ~~(c) structure and function of hair;~~
 - ~~(d) ~~]~~prescription drugs affecting hair growth; and~~
 - (e) contraindications.
- (3) Histology;
- (4) Trichology:
 - (~~3~~)~~5~~ Endocrinology~~;~~
 - ~~(a) physiology of the glandular system;~~
 - ~~(b) common disorders; and~~
 - ~~(c) puberty, pregnancy and menopause.]~~
 - (~~4~~)~~6~~ Dermatology~~;~~
 - ~~(a) common skin infections, diseases and disorders; and~~
 - ~~(b) basal cell, squamous cell and melanoma carcinomas.]~~
- (~~5~~)~~7~~ Neurology as follows:
 - (a) ~~[~~physiology of the nervous system~~;~~
 - ~~(b) ~~]~~anesthetics~~;~~, including over-the-counter and prescription; and~~

- (c) carpal tunnel syndrome.
- (~~6~~)~~8~~ Angiology
 - ~~(a) physiology of the circulatory system; and~~
 - ~~(b) physiology of the immune system.]~~
- (~~7~~)~~9~~ Psychology as follows:
 - (a) ~~[~~client's self-perception and concerns~~;~~
 - ~~(b) ~~]~~aesthetic/cosmetic electrolysis; and~~
 - (~~c~~)~~b~~ ~~[~~gender considerations; and
 - ~~(d) ~~]~~gender dysphoric clients.~~
- (~~8~~)~~10~~ Practical Analysis as follows:
 - (a) evaluating the characteristics of skin;
 - (b) evaluating the characteristics of hair growth;
 - (c) needle/probe types, features and selection;
 - (d) insertions, considerations and accuracy; and
 - (e) one and two handed techniques.
- (~~9~~)~~11~~ Infection and Disease Control as follows:
 - (a) pathogenic bacteria and non bacterial causes;
 - (b) American Electrology Association (AEA) infection control standards;
 - (c) aseptic techniques and sanitary procedures;
 - (d) sterilization methods and procedures; and
 - (e) health risks to the electrologist.
- (~~10~~)~~12~~ Principles of Electricity and Equipment as follows:
 - (a) currents, measurement and classification;
 - (b) FDA Class 1 needle type epilati~~on~~ng equipment;
 - (c) FDA Class 3 hair removal devices; and
 - (d) laser technologies for temporary hair removal ~~prohibited unless performed under the supervision of a licensed health care profession; and~~
 - (e) epilator operation and care.
- (~~11~~)~~13~~ Modalities for Needle Type Electrolysis as follows:
 - (a) galvanic multi needle technique;
 - (b) thermolysis manual technique;
 - (c) thermolysis flash technique; and
 - (d) blend and progressive epilation technique~~;~~
 - ~~(e) face and body treatments; and~~
 - ~~(f) epilator operation].~~
- (~~12~~)~~14~~ Clinical Procedures as follows:
 - (a) ~~[~~scheduling and time management~~;~~
 - ~~(b) client clinical records;~~
 - ~~(c) ~~]~~consultation~~[s];~~~~
 - (~~d~~)~~b~~ health/medical history;
 - (~~e~~)~~c~~ pre and post treatment skin care;
 - (~~f~~)~~d~~ normal healing skin effects;
 - (~~g~~)~~e~~ tissue injury and complications;
 - (~~h~~)~~f~~ treating ingrown hairs;
 - (~~i~~)~~g~~ face and body treatment;
 - (~~j~~)~~h~~ evaluation of treatments/regrowth;
 - (~~k~~)~~i~~ positioning and draping; and
 - (~~l~~)~~j~~ stress and relaxation techniques.
- (~~13~~)~~15~~ Developing a practice and business management as follows:
 - (a) professional associations;
 - (b) ethics;
 - (c) legal issues including:
 - (i) malpractice liability;
 - (ii) regulatory agencies; and
 - (iii) tax laws;
 - (d) public relations; and

- (e) advertising.
- (16) State Board Exams Review; and
- (17) Elective Topics, [Professionalism
- (a) image and hygiene;
- (b) interpersonal skills;
- (c) personal conduct;
- (d) business ethics;
- (e) telephone inquiries; and
- (f) developing referral systems.
- (14) Business Management
- (a) Business Plan:
 - (i) business description;
 - (ii) marketing/advertising;
 - (iii) financial management; and
 - (iv) management plan.
- (b) regulatory agencies/business licenses;
- (c) tax laws and basic accounting;
- (d) malpractice liability; and property insurance;
- (e) computer programs designed for the electrolysis business;
- (f) affiliation with professional associations; and
- (g) continued education sources.
- (15) Equipment Operation and Maintenance
- (a) epilators and accessories care; and
- (b) other equipment, instruments and spare parts.
- (16) State Board Exams Review
- (a) state rules and regulations;
- (b) practical exam;
- (c) National Assessment Institute (NAI) electrolysis theory; and
- (d) course completion verification.]

R156-11a-702. Curriculum for Esthetics School - Esthetician Programs.

In accordance with Subsection 58-11a-302(10)(c)(iv), the curriculum for an esthetics school esthetician program shall consist of 600 hours of instruction in the following subject areas:

- (1) manual lymphatic massage of the face and neck;
- (2) temporary removal of superfluous hair;
- (3) treatment of the skin;
- (4) packs and masks;
- (5) analysis of the skin;
- (6) application of make-up;
- (7) application of false eyelashes;
- (8) arching of the eyebrows;
- (9) tinting of the eyelashes and eyebrows;
- (10) history and theory of skin care;
- (11) electronic facials;
- (12) first aid;
- (13) chemistry of cosmetics;
- (14) skin treatments with and without machines;
- (15) anatomy and physiology;
- (16) sanitation, decontamination, and infection control;
- (17) waxing;
- (18) pedicures;
- (19) aromatherapy;
- (20) limited chemical exfoliation;
- (21) other related topics; and
- (22) state laws and rules.

R156-11a-703. Curriculum for Esthetics School – Master Esthetician Programs.

In accordance with Subsection 58-11a-302(10)(c)(iv), the curriculum for an esthetics school master esthetician program shall consist of 1,200 hours of instruction, 600 of which consisting of the curriculum for an esthetician program, the remaining 600 of which is in the following subject areas:

- (1) introduction consisting of:
 - (a) history of master esthetics; and
 - (b) overview of curriculum;
- (2) bacteriology, hygiene, sanitation, and sterilization techniques;
- (3) the immune system, skin disorders, and the prevention of infectious disease;
- (4) essentials of chemistry and advanced cosmetic chemistry;
- (5) the skin and the aging process, including damage to the skin;
- (6) lymphatic massage by manual and other means;
- (7) advanced anatomy, physiology, and histology of the skin;
- (8) body wrapping, including procedures, product ingredients, and contra-indications;
- (9) advanced pedicures;
- (10) hydrotherapy;
- (11) advanced waxing and temporary hair removal;
- (12) chemical exfoliation, including pre-exfoliation consultation, post-exfoliation treatments and reactions;
- (13) cardio pulmonary resuscitation (CPR) training;
- (14) advanced aromatherapy;
- (15) sanding and microdermabrasion, including training in the use of:
 - (a) electrical devices which use high-frequency current in the treatment of the skin, including:
 - (i) a device equipped with a brush to cleanse the skin;
 - (ii) an electrical device which uses galvanic current for the treatment of the skin;
 - (iii) a device which applies a mixture of steam and ozone to the skin; and
 - (b) any mechanical device for the care and treatment of the skin which is approved by the division in collaboration with the board; and
- (16) other esthetic preparations or procedures.

R156-11a-704. Curriculum for Nail Technology Schools.

In accordance with Subsection 58-11a-302(6)(c)(iv), the curriculum for a nail technology school shall consist of 200 hours of instruction in the following subject areas:

- (1) safety and sanitation, including salon safety, bacteriology, and sterilization;
- (2) artificial nail techniques, including wraps, tips, gel, sculptured acrylic nail, nail art, and mechanical techniques;
- (3) cosmetic chemistry;
- (4) pedicuring including massage of the lower leg and foot;
- (5) anatomy and physiology;
- (6) nail and the disorders of nail;
- (7) skin and the disorders of the skin;
- (8) first aid;

- (9) theory of basic manicuring with hand and arm massage;
- (10) professional ethics/salon management/state laws; and
- (11) elective topics.

R156-11a-705. Curriculum for Cosmetology/Barber Schools.

In accordance with Subsection 58-11a-302(3)(c)(iv), the curriculum for a cosmetology/barber school shall consist of 2,000 hours of instruction, 600 of which consisting of the curriculum for an esthetics school esthetician program; 200 of which consisting of the curriculum for a nail technology school; and the remaining 1,200 of which in the following subject areas:

- (1) introduction consisting of:
 - (a) history of cosmetology/barbering; and
 - (b) overview of curriculum;
- (2) professional image, including professional ethics and salon management;
- (3) bacteriology, sanitation and sterilization, safety, and diseases and disorders;
- (4) decontamination, infection control, and salon safety;
- (5) properties of the hair and scalp;
- (6) draping;
- (7) shampooing, rinsing, and conditioning;
- (8) haircutting, including men and women;
- (9) hairstyling, including wet and thermal;
- (10) permanent waving;
- (11) hair coloring;
- (12) chemical hair relaxing;
- (13) thermal hair straightening;
- (14) wigs and artificial hair;
- (15) first aid;
- (16) anatomy and physiology;
- (17) chemistry for cosmetology/barbering;
- (18) professional ethics and salon management;
- (19) electricity and light therapy;
- (20) implements, tools, and equipment for cosmetology and barbering;
- (21) shaving;
- (22) clipper variations;
- (23) razor cutting for men;
- (24) mustache and beard design;
- (25) licensing laws and rules; and
- (26) elective topics.

R156-11a-~~704~~801. Approved Cosmetologist/Barber Apprenticeship Requirements.

In accordance with Subsection 58-11a-102(1), the requirements for an approved cosmetology/barber apprenticeship shall include the following:

- (1) The supervisor shall have only one apprentice at a time.
- (2) There shall be a conspicuous sign near the work station of the apprentice stating "Apprentice in Training".
- (3) The supervisor and apprentice shall keep a daily record, which shall include the hours of theory instruction, the hours of practical instruction, the number and type of client services performed, and other services which will document the total number of hours of training. ~~The record [said log]~~ shall be available to the division upon request.
- (4) A complete set of cosmetology/barber texts shall be available to the apprentice.

(5) An apprentice may be compensated for services performed.

(6) [Hours obtained while attending a cosmetology/barber school shall not be used to satisfy the required 2500 hours of apprentice training.]The supervisor shall provide training and technical instruction of 2,500 hours using the curriculum defined in Section R156-11a-705.

(7) The supervisor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days.

(8) An apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects specified in Section R156-11a-705.

(9) Hours obtained while enrolled in a cosmetology/barber school shall not be used to satisfy the required 2,500 hours of apprentice training.

R156-11a-802. Approved Esthetician Apprenticeship Requirements.

In accordance with Subsection 58-11a-102(2), the requirements for an approved esthetician apprenticeship shall include:

(1) The supervisor shall have no more than two apprentices at a time.

(2) There shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training."

(3) The supervisor and apprentice shall keep a daily record, which shall include the hours of theory instruction, the hours of practical instruction, the number and type of client services performed, and other services, which will document the total number of hours of training. The record shall be available to the division upon request.

(4) A complete set of esthetics texts shall be available to the apprentice.

(5) An apprentice may be compensated for services performed.

(6) The supervisor shall provide training and technical instruction of 800 hours using the curriculum defined in Section R156-11a-702.

(7) The supervisor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days.

(8) An apprentice may not perform work on the public until the apprentice has received at least 10% of the hours required in technical training, with at least a portion of that time devoted to each of the subjects specified in Section R156-11a-702.

(9) Hours obtained while enrolled in an esthetics school shall not be used to satisfy the required 800 hours of apprentice training.

R156-11a-803. Approved Master Esthetician Apprenticeship Requirements.

In accordance with Subsection 58-11a-102(3), the requirements for an approved master esthetician apprenticeship shall include:

(1) The supervisor shall have no more than two apprentices at a time.

(2) The apprentice shall be licensed as an esthetician.

(3) There shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training."

(4) The supervisor and apprentice shall keep a daily record, which shall include the hours of theory instruction, the hours of practical instruction, the number and type of client services performed, and other services, which will document the total number of hours of training. The record shall be available to the division upon request.

(5) A complete set of esthetics texts shall be available to the apprentice.

(6) An apprentice may be compensated for services performed.

(7) The supervisor shall provide training and technical instruction of 1,500 hours using the curriculum defined in Section R156-11a-703:

(8) The supervisor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days.

(9) An apprentice may not perform work on the public until the apprentice has received at least 10% of the required hours of technical training, with at least a portion of that time devoted to each of the subjects specified in Subsection R156-11a-703.

(10) Hours obtained while enrolled in an esthetics school shall not be used to satisfy the required 1,500 hours of apprentice training.

R156-11a-804. Approved Nail Technician Apprenticeship Requirements.

In accordance with Subsection 58-11a-102(4), the requirements for an approved nail technician apprenticeship shall include:

(1) The supervisor shall have no more than two apprentices at a time.

(2) There shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training."

(3) The supervisor and apprentice shall keep a daily record, which shall include the hours of theory instruction, the hours of practical instruction, the number and type of client services performed, and other services, which will document the total number of hours of training. The record shall be available to the division upon request.

(4) A complete set of nail technician texts shall be available to the apprentice.

(5) An apprentice may be compensated for services performed.

(6) The supervisor shall provide training and technical instruction of 250 hours using the curriculum defined in Section R156-11a-704.

(7) The supervisor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days.

(8) An apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects specified in Subsection R156-11a-704.

(9) Hours obtained while enrolled in a nail technology school shall not be used to satisfy the required 250 hours of apprentice training.

R156-11a-805. Conflicts of Interest.

An apprentice instructor may not be an employee of an apprentice or be involved in any relationship with an apprentice or others that would interfere with the instructor's ability to teach and train the apprentice.

R156-11a-[702]901. On the Job Training Internship.

In accordance with Subsection 58-11a-304(8), students enrolled in a licensed cosmetology/barber school may participate in an on the job training internship if they meet the following requirements:

(1) The on the job training intern must have completed at least 1000 hours of the training contracted for with a cosmetology/barber school, of which 400 hours shall be clinical hours.

(2) [The on the job training intern must comply with all the rules of conduct, attendance, and provisions for make up work requirements as established in R156-11a-608.

~~—(3)—~~ There shall be a conspicuous sign near the work station of the on the job training intern stating "Intern in Training".

([4]3) A licensed cosmetology/barber supervisor shall supervise only one on the job training intern at a time.

([5]4) An on the job training intern, while working under the direct supervision of a licensed cosmetologist/barber, may perform the following procedures:

- (a) draping;
- (b) shampooing;
- (c) roller setting;
- (d) blow drying styling;
- (e) applying color;
- (f) remov[e]ing color by rinsing and shampooing;
- (g) remov[e]ing permanent chemicals;
- (h) remov[e]ing permanent rods;
- (i) remov[e]ing rollers;
- (j) applying temporary rinses, reconditioners, and rebuilders;
- (k) act[ing] as receptionists;
- (l) do[ing] retail sales;
- (m) sanitiz[e]ing the salon;
- (o) do[ing] inventory and order[ing] supplies; and
- (p) hand[ing] equipment to the cosmetologist/barber supervisor.

([6]5) The cosmetologist/barber supervisor must have in their possession a letter, which must be updated on a quarterly basis, from the school where the on the job training intern is enrolled stating that the on the job training intern is currently in good standing at the school and is complying with school requirements.

([7]6) Credit toward graduation for work as an on the job training intern will not be allowed.

KEY: [licensing, —barbers, —]cosmetologists/barbers*, estheticians*, electrologists*, nail technicians*

[March 6,]2001

58-11a-101

58-1-106(1)

58-1-202(1)

Commerce, Occupational and Professional Licensing
R156-38-401
Requirements for a Letter of Credit and/or Evidence of a Cash Deposit as Alternate Security for Mechanics' Lien

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23953
FILED: 07/30/2001, 15:18
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to add this section to implement the requirements of Section 38-1-28 as recently amended during the 2001 legislative session (H.B. 335).
(DAR Note: H.B. 335 is found at 2001 Utah Laws 229, and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: Section R156-38-401 is added to the Residence Lien Restriction and Lien Recovery Fund Rules to define the requirements for a "letter of credit" and "evidence of a cash deposit" as alternate security for a mechanics' lien.

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

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: The Division will incur minimal costs, less than \$30, to reprint the rule once this proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget. No other costs or savings should be incurred by the state as the proposed rule applies solely to transactions between private parties.
LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.
OTHER PERSONS: The use of the instruments being defined by rule is purely optional. No individual will incur any cost unless he elects to do so.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The use of the instruments being defined by rule is purely optional. No individual will incur any cost unless he elects to do so.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed rule follows a provision enacted by the 2001 Legislature clarifying requirements that must be met for a letter of credit and/or evidence of a cash deposit to qualify as alternate security for a mechanics' lien under Section 38-1-28. The compliance cost for affected persons and aggregate impact on other persons or businesses will depend solely on whether the party elects to use such instruments. If they do elect to use them, the compliance cost will depend on the amount of the

letter of credit and/or evidence of cash deposit; and the charge. When there is an engagement by a bank or other person made at the request of one of its customers to honor drafts or other demands for payment upon compliance with the conditions specified in the letter of credit, the charge to do so will vary from institution to institution or from person to person. No compliance costs unless affected person elects to use letter of credit and/or evidence of cash deposit. No aggregate impact on other persons or businesses unless said instruments are used. Businesses or other persons charge different amounts for issuance of a letter of credit. Unless somebody elects to use a letter of credit, there will be no aggregate impact on other persons or businesses. 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:

Earl Webster at the above address, by phone at (801) 530-7632, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.ewebster@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: J. Craig Jackson, Director

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

R156-38-401. Requirements for a Letter of Credit and/or Evidence of a Cash Deposit as Alternate Security for Mechanics' Lien.

To qualify as alternate security under Section 38-1-28:

(1) A "letter of credit" must be issued by a federally insured depository institution and satisfy the requirements of Section 70A-5-101, et seq.

(2) "Evidence of a cash deposit" must be an account at a federally insured depository institution that is pledged to the protected party and is payable to the protected party upon the occurrence of specified conditions in a written agreement.

KEY: licensing, contractors, liens

[July 17, 2001
Notice of Continuation April 6, 2000

38-11-101
58-1-106(1)
58-1-202(1)

Education, Administration
R277-415
 Strategic Planning Programs

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 23963

FILED: 07/31/2001, 17:15

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is repealed because the law and program no longer exists.

SUMMARY OF THE RULE OR CHANGE: The rule is repealed in its entirety.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost or savings to state budget. State funds will no longer be allocated to school districts for "strategic planning."

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Any planning school districts choose to do will be done with other funds.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons. Any planning will be done with other funds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Any planning will be done with other funds.

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

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

Education
 Administration
 250 East 500 South
 Salt Lake City, UT 84111, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.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 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Carol B. Lear, Coordinator School Law and Legislation

R277. Education, Administration.

~~[R277-415. Strategic Planning Programs.~~

~~**R277-415-1. Definitions:**~~

~~— A. "Action Planning" means determining and allocating specific individuals, equipment, material and information necessary to accomplish tasks; assigning resources; comparing results with plans and taking corrective action where appropriate.~~

~~— B. "Application" means application for specific program funds administered by the Board.~~

~~— C. "Board" means the Utah State Board of Education.~~

~~— D. "Committee" means a review committee consisting of USOE staff, local district personnel, outside consultants as appropriate to the application.~~

~~— E. "Organizational Planning" means dividing the Strategic Plan into logical subdivisions; allocating/aligning agency resources (fiscal and non-fiscal); assigning responsibilities for carrying out subdivisions.~~

~~— F. "Strategic Planning" means determining mission, policies, objectives; establishing district or school priorities; determining organizational resources to create a unified vision.~~

~~— G. "Superintendent" means the State Superintendent of Public Instruction.~~

~~— H. "USOE" means the Utah State Office of Education.~~

~~**R277-415-2. Authority and Purpose:**~~

~~— A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public schools in the Board, Section 53A-1-401(3) which authorizes the Board to adopt rules and policies in accordance with its responsibilities, Section 53A-1-401(4) which mandates that the Board adopt rules to promote quality, efficiency and productivity in the public schools and Section 53A-1a-107 which directs the Board to provide leadership to schools and school districts in strategic planning.~~

~~— B. The purpose of this rule is to define standards and procedures which must be met to qualify for funds allocated to the Board for strategic planning programs.~~

~~**R277-415-3. Application for Funds:**~~

~~— A. An individual school, or school district may apply for funds by submitting an application through a school district to the USOE.~~

~~— B. The USOE may develop a proposal for the use of strategic planning funds.~~

~~— C. Funding recommendations of USOE staff are presented to the State Superintendent's Finance Committee for final approval.~~

~~**R277-415-4. Grant Categories:**~~

~~— Applicants may apply for the following grants:~~

~~— (1) Strategic planning;~~

~~— (2) Organizational/operational planning;~~

~~— (3) Action planning.~~

R277-415-5. Distribution and Limitation of Funds:

- ~~— A. The maximum limit of funding per school or school district is \$5,000.~~
- ~~— B. Funds shall be used exclusively for approved purposes.~~
- ~~— C. Funds received shall be expended according to approved budget line items.~~
- ~~— D. Transfer of funds by a school or school district between line items may occur only upon the approval of the USOE.~~

R277-415-6. Evaluation and Reports:

~~— A district which receives a grant award shall provide the USOE with a year-end internal evaluation report. The year-end report shall include copies of any products and materials.~~

R277-415-7. Waivers:

~~— The State Superintendent may grant a written request for a waiver of a requirement which a school district or grant applicant finds unduly restrictive. The waiver shall be consistent with the Utah State Public Education Strategic Plan, January 1992, pages 17 and 21 or the express purpose of this rule.~~

~~**KEY: strategic planning*, educational planning**
1991 ~~Art X Sec 3~~
~~Notice of Continuation May 14, 2001~~ ~~53A-1-401(3)~~
~~53A-1-401(4)~~~~

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: There is no anticipated cost or savings to state budget. The program is funded by a specific legislative appropriation.
 - ❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. School district programs will be funded by this appropriation.
 - ❖OTHER PERSONS: There is no anticipated cost or savings to other persons. Programs will be funded by the appropriation.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Programs will be funded by the appropriation.

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

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.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 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Carol B. Lear, Coordinator School Law and Legislation



Education, Administration
R277-480
Advanced Readers at Risk

NOTICE OF PROPOSED RULE

(New)
DAR FILE NO.: 23964
FILED: 07/31/2001, 17:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish local programs for advanced readers at risk in Utah's public schools. The rule provides procedures for school districts or schools or consortia of districts or schools to receive funds to develop local programs that encourage advanced readers to develop and apply advanced reading skills, to train and involve parents in reading activities, and to promote student service projects that develop from the students' reading skills and activities.

SUMMARY OF THE RULE OR CHANGE: The rule provides for distribution of funds and funding timelines for an advanced readers at risk program.

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

R277. Education, Administration.
R277-480. Advanced Readers at Risk.
R277-480-1. Definitions.

- A. "Advanced readers at risk" are students in public school classrooms who read above grade level but who require differentiated reading strategies and activities to meet their needs in the regular classroom.
- B. "Board" means the Utah State Board of Education.
- C. "Reading Advisory Committee" means membership selected from statewide school district reading and gifted and talented specialists and others as determined by the USOE Reading and Gifted and Talented Specialists.
- D. "USOE" means the Utah State Office of Education.

R277-480-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the Board, H.B. 216, 2001 Laws of Utah, Chapter 358 which appropriates funds to establish an advanced readers at risk program in the state's public schools, and Section 53A-1-401(3)

which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish local programs for advanced readers at risk in Utah's public schools. The rule provides procedures for school districts or schools or consortia of districts or schools to receive funds to develop local programs that encourage advanced readers to develop and apply advanced reading skills, to train and involve parents in reading activities, and to promote student service projects that develop from the students' reading skills and activities.

R277-480-3. Distribution of Funds.

A. Districts or consortia shall submit applications for funding for this program to the USOE on applications provided by the USOE.

B. Projects shall be selected on a competitive basis to the extent of funds available. Criteria for funding include:

- (1) submission of a completed application;
- (2) commitment of model classrooms within the district(s);
- (3) a plan for professional development for staff participating in the program;
- (4) an explanation within the application of reading activities to promote advanced reading skills;
- (5) a plan for parent involvement and training in reading strategies and activities to encourage students to read and to use their acquired reading skills;
- (6) a plan/description of service projects to be implemented by students for their schools and communities; and
- (7) an interim evaluation plan (available in December) and a final internal or external evaluation plan for the district/school program. The evaluation plans shall:

(a) detail how the funds were expended to date during the program period;

(b) identify any funds not expended to date;

(c) request to carry forward any program funds not expended or obligated to date during the approved program period with a plan for expenditure of remaining funds with USOE approval; and

(d) include results of the program to date and an outline of changes planned in response to evaluation information.

C. Consortia of districts or schools may submit applications for funding.

D. The Reading Advisory Committee and the USOE Reading and Gifted and Talented Specialists shall make recommendations for funding to the Associate Superintendent for Instructional Services.

E. Final decisions about project funding shall be made by the Associate Superintendent for Instructional Services.

R277-480-4. Funding Timeline.

A. The USOE shall provide introductory information to interested applicants by May 30.

B. Applications shall be available from the USOE by June 30 for the following school year.

C. Districts or schools shall be identified for funding by August 30.

D. Other deadlines for adequate staff training, parent education and student service projects shall be established in school or district applications.

E. Applications shall provide for periodic review by USOE staff or the Reading Advisory Committee; and

F. Applications shall identify an appropriate due date for project interim and final evaluations.

**KEY: education, reading, students
2001**

**Art X Sec 3
53A-1-401(3)**



Health, Health Care Financing,
Coverage and Reimbursement Policy

R414-304

Income and Budgeting

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23922

FILED: 07/18/2001, 11:26

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is necessary to allow the Department to change the method for determining the amount of business expenses for self-employed individuals who apply for Medicaid under any program. The intent is to liberalize the way countable self-employment income is determined and to make the eligibility policy consistent for all programs.

SUMMARY OF THE RULE OR CHANGE: For self-employed individuals, the Department will allow a flat rate of 40% of the gross self-employment income as the individual's deduction for business expenses. If the business expenses exceed 40% or the individual wishes to claim actual expenses, we will allow the same expenses that are allowed for Federal Income Tax computations.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule will have some net increase of state funds that would otherwise be expended for the Medicaid program. However, since this method of determining countable self-employment income is currently being used for 1931 Family Medicaid and for the Medicaid programs that use a percentage of the federal poverty guidelines as an eligibility guideline, the cost would be minimal. We estimate that no more than 10 additional families could qualify for Medicaid as a result of this change. We also estimate that the annual cost for the additional 10 families would be approximately \$56,880. The current state share of Medicaid costs is 28.56%. Therefore, the impact on the annual state budget would be approximately \$16,245. However, because the eligibility determination process will be

simplified, some of this cost will be offset by the value of the time saved by the case managers who determine Medicaid eligibility.

❖LOCAL GOVERNMENTS: This rule has no application to local government, so there should not be a fiscal impact.

❖OTHER PERSONS: Self-employed individuals will be able to utilize a liberalized determination for deducting business expenses from countable earned income, thereby allowing an estimated 10 additional families to qualify for Medicaid.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no involvement for affected persons other than that described in Anticipated Aggregate cost or savings to State Budget, Local Government, and Other Persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule proposes to standardize the method of determining the amount of business expenses that will be allowed for self-employed persons that apply for Medicaid. This should have a positive impact on regulated businesses with only a minimal impact on state resources. Rod L. Betit

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gayleen Henderson at the above address, by phone at (801) 538-6135, by FAX at (801) 538-6952, or by Internet E-mail at ghenders@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 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-304. Income and Budgeting.

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R414-304-3. Medicaid Work Incentive Program Unearned Income Provisions.

(1) The Department adopts 20 CFR 416.1102, 416.1103, 416.1120 through 416.1148, 416.1150, 416.1151, and Appendix to Subpart K of 416, 1998 ed., which are incorporated by reference. The Department adopts Pub. L. No. 105-33 (4735) enacted August 5, 1997, Pub. L. No. 104-193, Section 103 effective August 22,

1996, and Pub. L. No. 105-285, Section 404-416 effective October 27, 1998 which are incorporated by reference. The Department adopts Pub. L. No. 104-204 (1805)(c) and (d) enacted September 26, 1996 and 105-306 (7)(a) and (c) enacted October 28, 1998 which is incorporated by reference.

(2) The Department shall allow the provisions found in R414-304-2 (3) through (12) and (14).

(3) The income [from] from an ineligible spouse or parent shall be determined by the total of the earned and unearned income using the appropriate exclusions in 416.1161, except that court ordered support payments would not be allowed.

(4) For the Medicaid Work Incentive Program, the income of a spouse or parent shall not be considered in determining eligibility of a person who receives SSI. SSI recipients who meet all other Medicaid Work Incentive Program eligibility factors shall be eligible without paying a Medicaid buy-in premium.

(5) The Department shall determine household size and whose income counts for the Medicaid Work Incentive Program as described below:

(a) If the Medicaid Work Incentive Program individual is an adult and is not living with a spouse, count only the income of the individual. After allowable deductions, the net income shall be compared to 250% of the federal poverty guideline for one person.

(b) If the Medicaid Work Incentive Program individual is living with a spouse, combine their income before allowing any deductions. Include in the household size the spouse and any children under age 18. Also include in the household size any children who are 18, 19, or 20 and are full-time students. Compare the net income of the Medicaid Work Incentive Program individual and spouse to 250% of the federal poverty guideline for the household size involved.

(c) If the Medicaid Work Incentive Program individual is a child living with a parent, combine the income of the Medicaid Work Incentive Program individual and the parents before allowing any deductions. Include in the household size the parents, any minor siblings, and siblings who are age 18, 19, or 20 and are full-time students. Compare the net income of the Medicaid Work Incentive Program individual and their parents to 250% of the federal poverty guideline for the household size involved.

(6) Interest accrued on an Individual Development Account as defined in Sections 404-416 Of Pub. L. No. 105-285 effective October 27, 1998 shall not count as income.

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R414-304-5. A, B and D Medicaid and A, B and D Institutional Medicaid Earned Income Provisions.

(1) The Department adopts 42 CFR 435.725 through 435.832, 1998 ed., and 20 CFR 416.1110 through 416.1112, 1999 ed., which are incorporated by reference. The department adopts Subsection 1612(b)(4)(A) and (B) of the Compilation of the Social Security Laws, in effect January 1, 1999, which is incorporated by reference.

(2) The Department shall allow SSI recipients, who have a plan for achieving self support approved by the Social Security Administration, to set aside income that allows them to purchase work-related equipment or meet self support goals. This income shall be excluded and may include earned and unearned income.

(3) Expenses relating to the fulfillment of a plan to achieve self-support shall not be allowed as deductions from income.

(4) For A, B and D Medicaid, earned income used to compute a needs-based grant is not countable.

(5) For A, B and D Institutional Medicaid, \$125 shall be deducted from earned income before contribution towards cost of care is determined.

(6) For A, B and D Institutional Medicaid impairment-related work expenses shall be allowed as an earned income deduction.

(7) Capital gains shall be included in the gross income from self-employment.

(8) To determine countable net income from self-employment, the state shall allow a 40 percent flat rate exclusion off the gross self-employment income as a deduction for business expenses~~[for A, B, or D category programs that use a percentage of the federal poverty guideline as an eligibility income limit]~~. For self-employed individuals who have actual allowable business expenses greater than the 40 percent flat rate exclusion amount, if the individual provides verification of the actual expenses, the self-employment net profit amount will be calculated using the same deductions that are allowed under federal income tax rules.

(9) ~~[To determine countable net income from self-employment, the state shall allow the cost of doing business to be deducted from the gross income for A, B, or D category programs that do not use a percentage of the federal poverty guideline as an eligibility income limit. However, n]~~No deductions shall be allowed for the following business expenses:

- (a) transportation to and from work;
- (b) payments on the principal for business resources;
- (c) net losses from previous tax years;
- (d) taxes;
- (e) money set aside for retirement;
- (f) work-related personal expenses;
- (g) depreciation.

(10) Net losses of self-employment from the current tax year may be deducted from other earned income.

(11) Earned income paid by the U.S. Census Bureau to temporary census takers shall be excluded for any A, B, or D category programs that use a percentage of the federal poverty guideline as an eligibility income limit.

R414-304-6. Family Medicaid and Family Institutional Medicaid Earned Income Provisions.

(1) The Department adopts 42 CFR 435.725 through 435.832, 1998 ed. and 45 CFR 233.20(a)(6)(iii) through (iv), 233.20(a)(6)(v)(BA), 233.20(a)(6)(vi) through (vii), and 233.20(a)(11), 1999 ed., which are incorporated by reference.

(2) The following definitions apply to this section:

(a) "Full-time student" means a person enrolled for the number of hours defined by the particular institution as fulfilling full-time requirements.

(b) "Part-time student" means a person who is enrolled for at least one-half the number of hours or periods considered by the institution to be customary to complete the course of study within the minimum time period. If no schedule is set by the school, the course of study must be no less than an average of two class periods or two hours a day, whichever is less.

(c) "School attendance" means enrollment in a public or private elementary or secondary school, a university or college, vocational or technical school or the Job Corps, for the express purpose of gaining skills that will lead to gainful employment.

(d) "Full-time employment" means an average of 100 or more hours of work a month or an average of 23 hours a week.

(e) "Aid to Families with Dependent Children" (AFDC) means a state plan for aid that was in effect on June 16, 1996.

(f) "1931 Family Medicaid" means a medical assistance program that uses the AFDC eligibility criteria in effect on June 16, 1996 along with any subsequent amendments in the State Plan, except that 1931 Family Medicaid eligibility for recipients of TANF cash assistance follows the eligibility criteria of the Family Employment Program.

(g) "Temporary Assistance to Needy Families" (TANF) means a grant program providing financial assistance to eligible families with dependent children. It is also referred to as Family Employment Program (FEP).

(3) The income of a dependent child is not countable income if the child is:

(a) in school or training full-time;

(b) in school or training part-time, if employed less than 100 hours a month;

(c) in JTPA.

(4) For Family Medicaid the 30 and 1/3 deduction is allowed if the wage earner has received a TANF financial payment or 1931 Family Medicaid in one of the four previous months and this disregard has not been exhausted.

(5) To determine countable net income from self-employment, the state shall allow a 40 percent flat rate exclusion off the gross self-employment income as a deduction for business expenses~~[for 1931 Medicaid and for Family Medicaid programs that use a percentage of the federal poverty guideline as an eligibility income limit]~~. For self-employed individuals who have actual allowable business expenses greater than the 40 percent flat rate exclusion amount, if the individual provides verification of the actual expenses, the self-employment net profit amount will be calculated using the same deductions that are allowed under federal income tax rules.

(6) ~~[To determine countable net income from self-employment, the state shall allow the cost of doing business to be deducted from the gross income for Family Medicaid categories that do not use a percentage of the federal poverty guideline as an eligibility income limit. However, i]~~Items such as depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment, and payments on the principal of loans for capital assets or durable goods, are not business expenses.

(7) For Family Medicaid, the Department shall deduct child care costs from the earned income of clients working 100 hours or more in a calendar month. A maximum of up to \$200.00 per child under age 2 and \$175.00 per child age 2 and older may be deducted. A maximum of up to \$160.00 per child under age 2 and \$140.00 per child age 2 and older a month may be deducted from the earned income of clients working less than 100 hours in a calendar month.

(8) For Family Institutional Medicaid, the Department shall deduct child care costs from the earned income of clients working 100 hours or more in a calendar month. A maximum of up to \$160 a month per child may be deducted. A maximum of up to \$130 a month shall be deducted from the earned income of clients working less than 100 hours in a calendar month.

(9) Earned income paid by the U.S. Census Bureau to temporary census takers shall be excluded for any family Medicaid

programs that use a percentage of the federal poverty guideline as an eligibility income limit, and for determining eligibility for 1931 Family Medicaid.

(10) Under 1931 Family Medicaid, for households that pass the 185% gross income test, if net income does not exceed the applicable BMS, the household shall be eligible for 1931 Family Medicaid. No health insurance premiums or medical bills shall be deducted from gross income to determine net income for 1931 Family Medicaid.

(11) For Family Medicaid recipients who otherwise meet 1931 Family Medicaid criteria, who lose eligibility because of earned income that does not exceed 185% of the federal poverty guideline, the state shall disregard earned income of the specified relative for six months to determine eligibility for 1931 Family Medicaid. Before the end of the sixth month, the state shall conduct a review of the household's earned income. If the earned income exceeds 185% of the federal poverty guideline, the household will be eligible to receive Transitional Medicaid following the provisions of R414-303 as long as it meets all other criteria.

After the first six months of disregarding earned income, if the average monthly earned income of the household does not exceed 185% of the federal poverty guideline for a household of the same size, the state shall continue to disregard earned income for an additional six months to determine eligibility for 1931 Family Medicaid. In the twelfth month of receiving such income disregard, if the household continues to have earned income, the household will be eligible to receive Transitional Medicaid following the provisions of R414-303 as long as it meets all other criteria.

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KEY: financial disclosure, income, budgeting
2001
Notice of Continuation February 6, 1998

26-18-1



Human Services, Recovery Services
R527-201
Medical Support Services

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 23924
FILED: 07/19/2001, 11:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule should be amended for the following reasons: based on a recent administrative decision, the Office of Recovery Services/Child Support Services (ORS/CSS) has stopped establishing judgments for pregnancy and birth-related expenses; the federal regulation at 45 CFR 303.31(c) requires that ORS provide medical support services to Non-IV-A applicants unless the children already have satisfactory health insurance coverage (the applicant's consent is not

necessary); because the support obligation continues wherever the child resides, either parent may be responsible for medical insurance coverage and both are now listed as respondents in notices and orders of support; 4) 45 CFR 303.31 was amended and Rule R527-232 was repealed in 1999, eliminating the choice to include or not include a provision for health insurance coverage in orders based on the potential for obtaining medical support; a 5% of gross income test for "reasonable cost" of insurance is the clear direction of national policy and is related to the eligibility criteria for the state Children's Health Insurance Program (CHIP); "reasonable cost" is also limited by the amount listed in the child support order or the laws of the state where the employee is principally employed according to "Limitations on Withholding" in Part "A" of the National Medical Support Notice (NMSN); employers need to know the priority of withholding in Utah, between child support and medical support obligations; 45 CFR 303.32 requires states to adopt the new procedures for implementation of insurance coverage for children of parents obligated to provide such coverage through an employment-related group health plan; obligated parents need to be made aware of the procedure for contesting withholding of insurance premiums and employers need to know when they may stop withholding under the NMSN; and because the current employer must be known to ORS/CSS in order for the new insurance coverage procedures to go into effect, employers should be required to provide notice to ORS/CSS when an obligated parent's employment has been terminated.

SUMMARY OF THE RULE OR CHANGE: In Section R527-201-1, the edition of federal regulations incorporated by reference has been updated and a new federal regulation has been added (65 FR 82165 and 82166) which will appear in the next edition of the Code of Federal Regulations as 45 CFR 303.32.

A definition section has been added (Section R527-201-2) to provide the definition of the National Medical Support Notice (NMSN), which is the new notice to enroll children in an employment-related group health insurance plan; subsequent sections of the rule were renumbered accordingly.

The words, "except pregnancy and confinement costs" were struck from Section R527-201-2 because ORS/CSS is not pursuing judgments for pregnancy and birth-related expenses based on a recent administrative decision.

Because the consent of a Non-IVA applicant not receiving Medicaid is not required under federal regulations, Section R527-201-3 has been revised to state that the only exception to providing Medical Support Services is when the children are already covered under a health insurance plan.

Notices of support now include both parents as respondents and language concerning whether "either parent" should be ordered to obtain health insurance for the children; consequently, Subsection R527-201-5(1) has been updated. Subsection R527-201-5(2) has been revised to eliminate the reference to criteria for determining if a judicial support order should be modified to include a medical support provision. Those criteria no longer exist in federal regulations and the administrative rule listing the criteria was repealed in 1999.

Section R527-201-6 has been revised to eliminate the statement that ORS/CSS may not require the obligated

parent to maintain medical insurance when the total support and insurance premium exceed the amount allowed under the Consumer Credit Protection Act. When a support order requires a parent to maintain medical insurance coverage for the children, the state child support agency is mandated to enforce that provision pursuant to 45 CFR 303.32. The NMSN is to be used for that purpose unless the support order stipulates alternative health care coverage to employer-based coverage. Under the NMSN, the employer is responsible for determining if withholding for insurance coverage is possible, or if it must not proceed due to state or federal withholding limitations or priority rules governing child support and medical support withholding. In addition to this change, other withholding limitations have been added to the "reasonable cost" definition including 5% of the obligated parent's monthly gross income, the amount allowed by the state of the obligated parent's principal place of employment, and the amount allowed for insurance premiums in the support order. The federal requirement that the law of the state where the obligated parent is principally employed determines the priority between child support and medical support withholding has been added to the rule together with Utah's prioritization rule and a requirement that the employer notify ORS/CSS if the employee's income is insufficient to cover the premium amount.

Subsections R527-201-9(1) and (2) have been revised to eliminate the phrase that it is necessary for the Non-IV-A, Non-Medicaid applicant to request medical support enforcement to ensure that the obligated parent complies with the medical support provision in the support order. As previously mentioned, the applicant's consent or request for medical support enforcement is unnecessary to obtain those services. Subsections R527-201-9(2)(a) and (b) and R527-201-9(3) through (8) outline the new federally-mandated NMSN procedures and include the basic responsibilities of ORS/CSS, the employer, the insurer, and the custodial parent in implementing ordered insurance coverage for the children; the obligated parent's right to contest insurance withholding based on mistake of fact; and the procedure to discontinue insurance enrollment and terminate withholding when the obligated parent is successful in contesting insurance withholding. Subsection R527-201-9(9) states that the employer is responsible to notify ORS/CSS when the obligated parent's employment is terminated, and is necessary in this rule because the NMSN procedures cannot be re-initiated until ORS/CSS identifies the obligated parent's new employer. Subsection R527-201-9(10) reflects the federal requirement in 45 CFR 303.32 that the state child support agency give prompt notice to the employer when the order for medical support is no longer in effect.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46b-1 et seq., 62A-11-326.1, 62A-11-326.2, and 62A-11-326.3; and Subsections 62A-11-406(9), 78-45-7.15, and 35A-7-105(2)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 45 CFR 303.30 and 303.31 (2000); 65 FR 82165 and 82166 (45 CFR 303.32)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Some of the changes made in this rule have no additional impact on the state budget because ORS/CSS already has them in effect. These include: not establishing judgments for pregnancy and birth-related expenses, providing medical support services to all Non-IV-A applicants without first receiving a request or consent, serving notices of support on both parents and obtaining orders that require "either parent" to obtain insurance coverage for their children, and not going through a decision making process based on the potential for obtaining medical support to include a provision in a support order for the children's health care coverage. The addition of the 5% criterion for determining whether the obligated parent's cost for insurance coverage is reasonable should not create any additional financial impact on the CHIP, because it is already a CHIP eligibility factor. Because the maximum premium amount allowed by the laws of the state of the obligated parent's principal place of employment and the child support order will also have to be considered with adoption of this rule, it is possible that there could be additional financial impact on the Medicaid program if the cost of the premium is greater than a ceiling amount that is less than 5% of the obligated parent's monthly gross income. However, it is not anticipated that there will be many cases like this, so the financial impact should be minimal. It is impossible to determine, or even estimate, the resulting financial impact on the state budget because orders vary and state laws are subject to frequent change. Implementation of the new National Medical Support Notice (NMSN) will have a minimal impact on the state budget because it replaces the Notice to Enroll which is already being used to initiate insurance enrollment and withholding for insurance premiums. The primary financial impact to the state will be the standard cost for introducing new forms (the NMSN packet) to the computer system and associated re-programming so that the NMSN is generated as specified in federal regulations and the proposed rule.

❖LOCAL GOVERNMENTS: None--Administrative rules of the Office of Recovery Services do not apply to local governments.

❖OTHER PERSONS: Because of the proposed limitations to implementing insurance coverage that have been added to the rule, obligated parents with very low incomes may not be required to maintain insurance coverage for their children. In cases in which the non-custodial parent is not required to maintain insurance coverage, the custodial parent may be required to obtain the coverage if a determination is made that he is obligated. In such cases, a NMSN may be issued to the custodial parent's employer and may result in withholding of the premium amount from the custodial parent's income. Thus, a custodial parent's income could be reduced by the amount of the children's monthly insurance premium under these circumstances. Under the proposed procedures for implementing insurance coverage for the children, the employer will be required to transfer the NMSN to the insurer and wait for the insurer's response before beginning withholding insurance premiums. This new step in the process may result in additional costs to the employer for processing, including mailing or faxing the NMSN to the

insurer. The insurer will be responsible for completing the "Plan Administrator Response" in the NMSN. This involves making a determination as to whether the notice constitutes a "qualified medical support order"; notifying ORS/CSS if there is more than one option available under the plan; notifying ORS/CSS, the employer, and both parents if a waiting period is required before the enrollment can be processed; and notifying the custodial parent and non-custodial parent if coverage is or will become available including furnishing the custodial parent with a description of the coverage, the effective date of coverage, and necessary documents for effectuating coverage and submitting a claim. This new set of procedures for the insurer will result in additional processing costs to the insurer for enrolling children in an employment-related group health insurance plan.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In some cases the obligated parent may be the custodial parent when the non-custodial parent has been determined to be exempt from the requirement to purchase and maintain health insurance coverage for the children due to withholding limitations or prioritization. This means that the custodial parent may have the premium amount withheld from his/her income. An employer will have to complete the additional step of forwarding the NMSN to the insurer which will result in additional processing costs for the employer. The insurer will be responsible for completing the "Plan Administrator Response" and for providing appropriate notices, forms, and instructions as indicated in the NMSN. This will result in additional processing costs for the insurer to enroll the children in an employment-related group health plan.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Implementation of the proposed changes in this rule which are based on new federal requirements in 45 CFR 303.32 will have a financial impact on employers and insurers that offer employment-related group health insurance plans. Although employers and these insurers have been involved for several years in implementing health care coverage for children as instructed in the Notice to Enroll, the new National Medical Support Notice (NMSN) involves additional procedures for both employers and insurers that will likely result in additional handling and processing costs for those businesses.

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

Human Services
Recovery Services
Fourteenth Floor, Eaton/Kenway Bldg.
515 East 100 South
PO Box 45011
Salt Lake City, UT 84145-0011, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or by Internet E-mail at wbraithw@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 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.

R527-201. Medical Support Services.

R527-201-1. Federal Requirements.

The Office of Recovery Services/Child Support Services, (ORS/CSS), adopts the federal regulations as published in 45 CFR 303.30 and 303.31 (2000), ~~[October 1, 1995 ed.]~~ and in 65 FR 82165 and 82166 (45 CFR 303.32), which are hereby incorporated by reference.

R527-201-2. Definition.

1. The National Medical Support Notice (NMSN) is the federally approved form that ORS/CSS shall use, when appropriate, to notify an employer to enroll dependent children in an employment-related group health insurance plan in accordance with a child support order.

R527-201-~~[2]~~3. Limitation of Services.

ORS/CSS shall not:

1. pursue establishment of specific amounts for ongoing medical support,
2. initiate an action to obtain a judgment for uninsured medical expenses, ~~[except pregnancy and confinement costs,]~~ or
3. collect and disburse premium payments to insurance companies.

R527-201-~~[3]~~4. Medical Support Services in Non-IV-A Cases.

Medical Support Services shall be provided in conjunction with child support services to applicants who are not receiving Medicaid ~~[upon the consent of the applicant]~~ unless the applicant notifies ORS/CSS that the children are already covered under a health insurance plan and provides ORS/CSS with the insurance information.

R527-201-~~[4]~~5. Conditions Under Which Non-IV-A Medicaid Recipients May Decline Support Services.

ORS/CSS shall provide child and spousal support services; however, a Non-IV-A Medicaid recipient may decline child and spousal support services if paternity is not an issue and there is an order for the non-custodial parent to provide medical support.

R527-201-~~[5]~~6. Securing a Medical Support Provision in the Support Order.

1. Notice to ~~[the]~~ potentially obligated parents: The notice to ~~[the]~~ potentially obligated parents shall include a provision that an administrative or judicial proceeding will occur ~~[in order]~~ to determine whether ~~[that]~~ either parent should be ordered to purchase and maintain appropriate medical insurance for ~~[his]~~ the children. This notification shall be provided when either of the following conditions is met:

a. the state initiates an action to establish a final support order or to adjust an existing child support order; or

b. the state joins a divorce or modification action initiated by either the custodial or the non-custodial parent.

2. If a judicial support order does not include a medical support provision, ORS/CSS shall ~~[determine whether the case meets the criteria listed in R527-232-1 to modify an order to include a medical support provision. If the case meets the criteria ORS/CSS shall]~~ commence judicial action to modify the order to include a medical support provision.

R527-201-[6]7. Reasonable Cost of Insurance Premiums.

~~[Federal regulations generally presume that any e]Employment-related or other group coverage [available to the obligated parent]that does not exceed 5% of the obligated parent's monthly gross income is generally considered reasonable in cost. However, an employer may not withhold more than the lesser of [if the combined total of current child support, spousal support, and the obligated parent's insurance premium exceeds] the amount allowed under the Consumer Credit Protection Act, the amount allowed by the state of the employee's principal place of employment, or the amount allowed for health insurance premiums by the child support order [ORS/CSS shall enforce only the child and spousal support and shall not require that the obligated parent maintain medical insurance unless ORS/CSS determines that it would be in the best interest of the child to make medical insurance coverage a priority]. If the combined child support and medical support obligations exceed the allowable deduction amount, the employer shall withhold according to the law, if any, of the state of the employee's principal place of employment requiring prioritization between child support and medical support. If the employee's principal place of employment is in Utah, the employer shall deduct current child support before deducting amounts for health insurance coverage. If the amount necessary to cover the health insurance premiums cannot be deducted due to prioritization or limitations on withholding, the employer shall notify ORS/CSS.~~

R527-201-[7]8. Credit for Premium Payments and Effect of Changes to the Premium Amount Subsequent to the Order.

1. If the order or underlying worksheet gives credit of a specific amount for the children's portion of the premium and the amount of the premium decreases, ORS/CSS may reduce the amount of the credit without seeking a modification of the order.

2. If the order or underlying worksheet does not mention a specific credit for insurance premiums, ORS/CSS shall give credit for the child(ren)'s portion of the insurance premium when the insurance coverage is verified.

3. When a support order does not include a medical insurance provision, and a parent voluntarily enrolls the child(ren) in an insurance plan:

a. in Non-IV-A cases, if the parents agree to share equally the cost of the insurance, ORS/CSS shall give credit or offset the other parent's share of the expense. If the parents disagree, the order must be modified to include an insurance provision before the credit or the offset shall be given.

b. in IV-A cases, ORS/CSS shall give credit for 50% of the child(ren)'s portion of the insurance premium.

4. ORS/CSS shall notify both parents in writing whenever the credit is changed.

R527-201-[8]9. Establishing Costs for Pregnancy and Confinement.

1. When establishing a judgment for medical costs for pregnancy and confinement in IV-A and Non-IV-A Medicaid paternity and separation cases, ORS/CSS shall research the exact pregnancy and confinement costs which have accumulated to date.

2. When establishing a judgment for medical costs for pregnancy and confinement in Non-IV-A Non-Medicaid Cases, ORS/CSS shall consult with the mother to determine the amount of the uninsured pregnancy and confinement expenses.

3. When establishing any judgment for medical costs for pregnancy and confinement, one half of the uninsured pregnancy and confinement costs shall be charged to the non-custodial parent.

R527-201-[9]10. Enforcement of Obligation to Maintain Medical and Dental Insurance.

1. In Non-IV-A cases ~~[in which the applicant requests medical support enforcement]~~and in IV-A ~~[and Non-IV-A]~~Medicaid cases, appropriate steps shall be taken to ensure compliance with orders which require the obligated parent to maintain insurance. Obligated parents shall demonstrate compliance by providing ORS/CSS with policy numbers and the insurance provider name for the dependent children for whom the medical support is ordered.

2. In Non-IV-A cases ~~[in which the applicant requests medical support enforcement]~~and in IV-A ~~[and Non-IV-A]~~Medicaid cases, if an obligated parent has been ordered to maintain employer-based medical insurance and insurance is available at a reasonable cost according to R527-201-7 through an ~~[employer or other group insurance plans at a reasonable cost, and the obligated parent fails to obtain such insurance,]~~employment-related group health plan, ORS/CSS shall ~~[enforce the requirement that the obligated parent maintain medical insurance coverage. ORS/CSS shall determine the appropriate enforcement remedy. Remedies may include:~~

a. notifying the obligated parent to obtain the insurance as ordered and that the obligated parent may be held responsible for uninsured medical expenses;

b. issuing a notice to enroll]use the NMSN to transfer notice of the insurance provision to the obligated parent's employer unless ORS/CSS is notified pursuant to Section 62A-11-326.1 that the children are already enrolled in an insurance plan in accordance with the order. ~~[to the obligated parent's employer or union to enroll the children in a medical insurance plan. If ORS/CSS issues a notice to enroll the children in a medical insurance plan, the obligated parent shall be required to notify ORS/CSS within 10 days of the date the children are enrolled in an insurance program, or within 10 days of any change in insurance coverage, and of the policy name, policy number, and the names of those insured.]~~

3. When appropriate, ORS/CSS shall send the NMSN to the obligated parent's employer within two business days after the name of the obligated parent has been entered into the registry of the State Directory of New Hires, matched with ORS/CSS records, and reported to ORS/CSS in accordance with Subsection 35A-7-105(2).

4. The employer shall transfer the NMSN to the appropriate group health plan for which the children are eligible within twenty business days of the date of the NMSN if all of the following criteria are met:

a. the obligated parent is still employed by the employer;

b. the employer maintains or contributes to plans providing dependent or family health coverage;

c. the obligated parent is eligible for the coverage available through the employer; and

d. state or federal withholding limitations, prioritization, or both, do not prevent withholding the amount required to obtain coverage.

5. If more than one coverage option is available under a group insurance plan and the obligated parent is not already enrolled, ORS/CSS in consultation with the custodial parent may select the least expensive option if the option complies with the child support order and benefits the children. The insurer shall enroll the children in the plan's default option or least expensive option in accordance with Subsection 62A-11-326.2(1)(b) unless another option is specified by ORS/CSS.

6. The employer shall determine if the necessary employee contributions for the insurance coverage are available. If the amounts necessary are available, the employer shall begin withholding when appropriate and remit directly to the plan.

7. In accordance with Subsections 62A-11-326.1(2) and (3), the obligated parent may contest withholding insurance premiums based on a mistake of fact. The employer shall continue withholding under the NMSN until notified by ORS/CSS to terminate withholding insurance premiums.

8. If a parent successfully contests the action to enroll the children in a group health plan based on a mistake of fact, ORS/CSS shall notify the employer to discontinue enrollment and withholding insurance premiums for the children.

9. In accordance with Subsection 62A-11-406(9), the employer shall promptly notify ORS/CSS when the obligated parent's employment is terminated.

10. ORS/CSS shall promptly notify the employer when a current order for medical support is no longer in effect for which ORS/CSS is responsible.

R527-201-[10]11. Obligated Parent Receiving Medicaid.

1. If an obligated parent is receiving Medicaid or was receiving Medicaid at the time the medical debt was incurred, ORS/CSS shall not enforce payment of the medical debt regardless of medical support provisions in the order.

2. In an unestablished paternity case, if the father's income was taken into consideration when determining the household's eligibility for Medicaid, ORS/CSS shall not enforce payment of medical expenses regardless of the medical support provisions in the order, but shall enforce the health insurance provision.

KEY: child support, health insurance, medicaid
[December 17, 1998]2001 63-46b-1 et seq.
Notice of Continuation March 20, 1997 62A-11-326.1
62A-11-326.2
62A-11-326.3
62A-11-406(9)
78-45-7.15
35A-7-105(2)



Human Services, Recovery Services

R527-800

Enforcement Procedures

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23930
FILED: 07/23/2001, 08:26
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is to narrow the scope of the rule and eliminate redundant sections covered by other rule or law.

SUMMARY OF THE RULE OR CHANGE: The rule clarifies when enforcement actions may be taken against real property when other methods have failed or are not available in the case.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-11-111, 35A-1-502, 62A-11-104, and 62A-11-110
FEDERAL REQUIREMENT FOR THIS RULE: 42 CFR 433.147-148

ANTICIPATED COST OR SAVINGS TO:
❖ **THE STATE BUDGET:** The change is to limit the scope of the rule to the taking of real property to satisfy a judgement when other enforcement methods have failed. This enforcement action is limited in scope and practice and causes no cost or savings to State Budget.
❖ **LOCAL GOVERNMENTS:** The change is to limit the scope of the rule to the taking of real property to satisfy a judgement when other enforcement methods have failed. This enforcement action is limited in scope and practice and causes no cost or savings to Local Government.
❖ **OTHER PERSONS:** The change is to limit the scope of the rule to the taking of real property to satisfy a judgement when other enforcement methods have failed. This enforcement action is limited in scope and practice and causes no cost or savings to other persons.
COMPLIANCE COSTS FOR AFFECTED PERSONS: This change clarifies and limits the scope of the current rule. Persons affected by the rule may be required to repay public assistance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes to this rule should have no fiscal impacts to businesses. The proposed changes modify/limit the current process, but do not add any cost to the process.

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.

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 by Internet E-mail at ghowarth@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 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.
R527-800. [~~Enforcement Procedures~~]Acquisition of Real Property, and Medical Support Cooperation Requirements.

- R527-800-1. Purpose and Authority.**
 A. Purpose
 Enforcement actions may be initiated [~~when~~]against real property to satisfy financial obligations when other methods have failed or are unavailable in a case.[:
 — 1. The obligor has agreed:
 — 2. The obligor is entitled to a federal or state income tax refund which may be applied to certain debts under specific Federal and State statute:
 — 3. The obligor has failed to make payments on the debt and the agency has information regarding the obligor's income and/or assets:]

B. Authority
 Section 62A-11-104 charges the Office of Recovery Services with the duty to collect money due the department. Enforcement actions shall be initiated in accordance with the specific statutory authority provided under specific state statute and in accordance with the Criminal Code, Utah Rules of Civil Procedure Uniform Probate Code and the Judicial Code Utah Code Annotated.

[
R527-800-2. Credit of Tax Refund.
 —The office may credit an overpayment of taxes toward a judgment owed to the state, in accordance with Section 59-10-529.

R527-800-3. Garnishment of Wages.
 —The department may garnish wages in accordance with Rule 64D, Utah Rules of Civil Procedure:]

- R527-800-[4]2. Acquisition and Disposition of Real Property.**
 A. The department may acquire property in payment for an obligation by:
 1. voluntary conveyance.
 2. conveyance by heirs; or
 3. execution.
 B. Acquisition of real property is an action of last resort.
 C. Voluntary conveyance shall be by Warranty or Quit Claim Deed in favor of the department.

D. Property owned by the state is tax exempt in accordance with Section 59-2-1101.

- R527-800-[5]3. Sale of Real Property.**
 A. Certified appraisals and preliminary title reports may be requested.
 B. The department will not provide title insurance. The State will clear all back taxes and encumbrances from the property at the time of closing.

R527-800-[6]4. Liens, Cost of Sale.
 The costs of sale which are allowed are those provided in 62A-11-111.

[
R527-800-7. Sanctions, Retained Support:
 —In accordance with 45 CFR 232.12(d), if a recipient incurred a Retained Support obligation and fails to either make an agreement to pay the debt or makes an agreement and defaults, a sanction for non-cooperation must be imposed if the obligor is currently receiving AFDC:]

R527-800-[8]5. Sanction, Medical Support, TPL, Paternity.
 In accordance with 42 CFR 433.147-148 a recipient of medical assistance must cooperate with the state agency in providing information regarding Third Party Liability, establishment of paternity for children to establish medical support liability, and in utilizing all available third party resources to offset medicaid expenditures. Failure to cooperate will result in the recipient being removed from the medical assistance case.

KEY: enforcement, civil procedure, medicaid, welfare fraud

November 16, 1996 2001	62A-11-111
Notice of Continuation September 24, 1996	35A-1-502
	62A-11-104
	62A-11-110

◆ ————— ◆
Workforce Services, Employment Development
R986-700-713
Amount of CC Payment

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23970
 FILED: 08/01/2001, 13:00
 RECEIVED BY: NL

RULE ANALYSIS
 PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To correct an inequity to parents using child care on a part-time basis.

SUMMARY OF THE RULE OR CHANGE: The Department is basically reverting to a prior method of calculating the child care subsidy for persons who do not need full-time child care.

This method of calculation will provide a more realistic funding level for persons in need of child care.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-310

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This is a federally funded program, so there are no costs or savings to the state budget.

❖LOCAL GOVERNMENTS: This rule does not apply to local government and therefore, there are no costs or savings to local governments.

❖OTHER PERSONS: This change may result in a savings to eligible low income parents who need child care on a part-time basis only as they may be paid at as slightly higher rate. There will be no cost to anyone as this is a federally-funded program and within the State budget for the program. The Department used to pay full-time child care costs if a parent needed child care for five hours a day or more. This was because most child care providers charge for a full day if the child is in care for five hours or more. Because of budget concerns the Department abandoned that method in 2000 and only paid for the hours child care was needed. It has since been determined that this was a hardship to these parents and the providers and there is sufficient funding available to revert to our prior method of calculation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this change. There are no fees associated with this change and it will not cost anyone any sum to comply with these changes. This a federally-funded program and the money is within current Department budgets to pay any costs associated with this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will have no impact on business. This is an entirely federally-funded program.

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

Workforce Services
 Employment Development
 Second Floor
 140 East 300 South
 PO Box 45244
 Salt Lake City, UT 84145-0244, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at (801) 526-9645, by FAX at (801) 526-9244, or by Internet E-mail at wsadmpo.spixton@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Robert Gross, Executive Director

R986. Workforce Services, Employment Development.

R986-700. Child Care Assistance.

R986-700-713. Amount of CC Payment.

(1) CC will be paid at the lower of the following levels:

(a) the maximum monthly local market rate as calculated using the Local Market Survey. The Local Market Survey is conducted by the Department and based on the provider category and age of the child. The Survey results are available for review at any Department office through the Department web site on the Internet; or

(b) the rate established by the provider for services; or

(c) the unit cost multiplied by the number of hours approved by the Department. The unit cost is determined by dividing the maximum monthly local market rate by ~~[172]~~137.6 hours.~~[For infants, the unit cost is determined by dividing the maximum monthly local market rate by 137.6 hours.]~~

(2) An enhanced CC payment is available to clients who are participating more than 172 hours per month. The enhanced subsidy cannot exceed \$100 more than the maximum monthly local market rate for the type of provider used by the client and in no event can an enhanced subsidy payment exceed the accredited center rate for infant care. A two-parent family receiving CC for education or training activities is not eligible for the enhanced CC subsidy.

KEY: child care

[July 1,] 2001

35A-3-310



End of the Notices of Proposed Rules Section

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 September 14, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through December 13, 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
R156-67
Utah Medical Practice Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23593
FILED: 07/17/2001, 10:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing and comments received by the Division, additional changes need to be made in the proposed rule.

SUMMARY OF THE RULE OR CHANGE: In Section R156-67-102, two definitions for "disruptive behavior" and "patient surrogate" were added. In Section R156-67-502 defining unprofessional conduct, modifications were made to the definition regarding engaging in sexual contact with a patient surrogate concurrent with the physician/patient relationship and to the definition regarding disruptive behavior in the practice of medicine. In Section R156-67-602, the Code of Medical Ethics was updated to the 2001 edition.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the April 15, 2001, issue of the *Utah State Bulletin*, on page 41. 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 58-67-101, and Subsections 58-1-106(1) and 58-1-202(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes 1996 edition of the Code of Medical Ethics and adds the 2001 edition of the Code of Medical Ethics

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:** The proposed rule does not apply to local governments.

❖**OTHER PERSONS:** If anyone wanted to purchase a copy of the 2001 edition of the Code of Medical Ethics, there would be a cost of approximately \$40 to purchase the book. However, it should be noted that it is not a requirement for licensees to have this book. The Division does not anticipate any additional costs or savings beyond the costs identified

above and the savings to licensed physicians identified in the prior proposed rule filing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If anyone wanted to purchase a copy of the 2001 edition of the Code of Medical Ethics, there would be a cost of approximately \$40 to purchase the book. However, it should be noted that it is not a requirement for licensees to have this book. The Division does not anticipate any additional costs or savings beyond the costs identified above and the savings to licensed physicians identified in the prior proposed rule filing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is a cost of approximately \$40 for anyone who wants to purchase the 2001 edition of the Code of Medical Ethics. 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 09/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/12/2001, 11:00 a.m., 160 East 300 South, Room 205, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-67. Utah Medical Practice Act Rules.
R156-67-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 67, as used in Title 58, Chapters 1 and 67 or these rules:

(1) "ACCME" means the Accreditation Council for Continuing Medical Education.

(2) "Alternate medical practices", as used in Section R156-67-603, means treatment or therapy which is determined in an adjudicative proceeding conducted in accordance with Title 63, Chapter 46b, Administrative Procedures Act, to be:

(a) not generally recognized as standard in the practice of medicine;

(b) not shown by current generally accepted medical evidence to present a greater risk to the health, safety, or welfare of the patient than does prevailing treatment considered to be the standard in the profession of medicine; and

(c) supported by a body of current generally accepted written documentation demonstrating the treatment or therapy has reasonable potential to be of benefit to the patient to whom the therapy or treatment is to be given.

(3) "AMA" means the American Medical Association.

(4) "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.

(~~4~~)⁵ "FLEX" means the Federation of State Medical Boards Licensing Examination.

(~~5~~)⁶ "FMGEMS" means the Foreign Medical Graduate Examination in Medical Science.

(~~6~~)⁷ "FSMB" means the Federation of State Medical Boards.

(~~7~~)⁸ "Homeopathic medicine" means a system of medicine employing and limited to substances prepared and prescribed in accordance with the principles of homeopathic pharmacology as described in the Homeopathic Pharmacopoeia of the United States, its compendia, addenda, and supplements, as officially recognized by the federal Food, Drug and Cosmetic Act, Public Law 717.21 U.S. Code Sec. 331 et seq., as well as the state of Utah's food and drug laws and Controlled Substances Act.

(~~8~~)⁹ "LMCC" means the Licentiate of the Medical Council of Canada.

(~~9~~)¹⁰ "NBME" means the National Board of Medical Examiners.

(11) "Patient surrogate", as used in Subsection R156-67-502(15), 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.

(~~10~~)¹² "Unprofessional conduct" as defined in Title 58, Chapters 1 and 67 is further defined in accordance with Subsection 58-1-203(5), in Section R156-67-502.

(~~11~~)¹³ "USMLE" means the United States Medical Licensing Examination.

R156-67-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) prescribing for oneself any Schedule II or III controlled substance; however, nothing in these rules shall be interpreted by the division or the board to prevent a licensee from using, possessing or administering to himself a Schedule II or III controlled substance which was legally prescribed for him by a licensed practitioner acting within his scope of licensure when it is used in accordance with the prescription order and for the use for which it was intended;

(2) knowingly prescribing, selling, giving away or administering, directly or indirectly, or offering to prescribe, sell, furnish, give away or administer any scheduled controlled substance as defined in Title 58, Chapter 37 to a drug dependent person, as defined in Subsection 58-37-2(14) unless permitted by law and when it is prescribed, dispensed or administered according to a proper medical diagnosis and for a condition indicating the use of that controlled substance is appropriate;

(3) knowingly engaging in billing practices which are abusive and represent charges which are grossly excessive for services rendered;

(4) directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered or supervised; however, nothing in this section shall preclude the legal relationships within lawful professional partnerships, corporations or associations or the relationship between an approved supervising physician and physician assistants or advanced practice nurses supervised by them;

(5) knowingly failing to transfer a copy of pertinent and necessary medical records or a summary thereof to another physician when requested to do so by the subject patient or by his legally designated representative;

(6) failing to furnish to the board information requested by the board which is known by a licensee with respect to the quality and adequacy of medical care rendered to patients by physicians licensed under the Medical Practice Act;

(7) failing as an operating surgeon to perform adequate pre-operative and primary post-operative care of the surgical condition for a patient in accordance with the standards and ethics of the profession or to arrange for competent primary post-operative care of the surgical condition by a licensed physician and surgeon who is equally qualified to provide that care;

(8) billing a global fee for a procedure without providing the requisite care;

(9) supervising the providing of breast screening by diagnostic mammography services or interpreting the results of breast screening by diagnostic mammography to or for the benefit of any patient without having current certification or current eligibility for certification by the American Board of Radiology. However, nothing in this subsection shall be interpreted to prevent a licensed physician and surgeon from reviewing the results of any breast screening by diagnostic mammography procedure upon a patient for the purpose of considering those results in determining appropriate care and treatment of that patient if the results are interpreted by a physician and surgeon qualified under this subsection and a timely written report is prepared by the interpreting physician and surgeon in accordance with the standards and ethics of the profession;

(10) failing of a licensee under Title 58, Chapter 67, without just cause to repay as agreed any loan or other repayment obligation legally incurred by the licensee to fund the licensee's education or training as a medical doctor;

(11) failing of a licensee under Title 58, Chapter 67, without just cause to comply with the terms of any written agreement in which the licensee's education or training as a medical doctor is funded in consideration for the licensee's agreement to practice in a certain locality or type of locality or to comply with other conditions of practice following licensure;

(12) a physician providing services to a department of health by participating in a system under which the physician provides the department with completed and signed prescriptions without the name and address of the patient, or date the prescription is provided to the patient when the prescription form is to be completed by authorized registered nurses employed by the department of health which services are not in accordance with the provisions of Section 58-17a-620;

(13) failing to keep the division informed of a current address and telephone number;

(14) engaging in alternate medical practice except as provided in Section R156-67-603;

(15) engaging in sexual contact with a patient surrogate concurrent with the physician/patient relationship unless the physician affirmatively show 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 physician's professional judgment in treating the patient;

(ii) the nature of the physician's relationship with the surrogate; or

(iii) the physician/patient relationship; and

(16) engaging in [~~the practice of medicine in a~~]disruptive behavior in the practice of medicine[~~manner including aberrant behavior manifested through personal interaction with physicians, hospital personnel, health care professionals, patients, family members, or others, which interferes with patient care or could reasonably be expected to interfere with the process of delivering quality care~~].

R156-67-602. Medical Records.

In accordance with Subsection 58-67-803(1), medical records shall be maintained to be consistent with the following:

(1) all applicable laws, regulations, and rules; and

(2) the Code of Medical Ethics of the Council on Ethical and Judicial Affairs as published in the AMA Policy Compendium, [~~1996~~2001] edition, which is hereby incorporated by reference.

KEY: physicians, licensing

2001

58-67-101

58-1-106(1)

58-1-202(1)

Natural Resources; Oil, Gas and Mining Board

R641-105

Filing and Service

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23812

FILED: 07/31/2001, 16:22

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The enactment of this change will enable the Board and Division of Oil, Gas, and Mining to make better-informed analyses and decisions in adjudicative matters by ensuring more lead time in submitting exhibits and requiring two more copies of materials submitted. Comments on the originally-proposed

rule requested a provision for more time than previously proposed to submit exhibits in support of a request for agency action. This change in proposed rule responds to that request.

SUMMARY OF THE RULE OR CHANGE: The proposed rule changes make a housekeeping change to the rule, require exhibits to be submitted to the Board thirty days in advance of a hearing, and require two additional copies of pleadings, affidavits, briefs memoranda, and exhibits.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the June 15, 2001, issue of the *Utah State Bulletin*, on page 57. 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 40-6-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Enactment of the proposed rule changes would probably not be a significant cost or savings to the State budget because it is not possible to project exactly how submitting exhibits at an earlier deadline affects the state budget. The passage of the rule changes however, may forestall the need for an additional hearing as could happen under the current rule, in the event that the Division requests the continuance of a hearing because it needs additional time to examine exhibits that are submitted two days in advance of a hearing date. This would be a cost deferral until the following month since Board hearings are scheduled regularly on a monthly basis.

❖LOCAL GOVERNMENTS: There will be little or no impact on local government because they are not regular hearing participants.

❖OTHER PERSONS: The prospect of submitting exhibits at the same time that pleadings and responses are filed with the Board probably will not increase costs since documents are already being submitted.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply with this rule amendment, a petitioner or respondent would need to submit two additional copies of the package of materials already planned to be filed with the board. Depending on the size of the package submitted, the cost could range from \$10 per hearing (held once a month) for 2 extra copies of a 50-page document to \$40 per hearing for a 200-page document. The cost of maps and other graphics would be additional.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: There will be a small but justifiable fiscal impact to hearing participants from this rule amendment. However, the improved level of scrutiny resultant from additional opportunity for analysis by the Board and Division in having the entire package in hand at the earlier date will be an improvement in procedures.

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

Natural Resources
Oil, Gas and Mining Board
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rrogm.rdaniels@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/22/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R641. Natural Resources; Oil, Gas and Mining Board.

R641-105. Filing and Service.

R641-105-100. Requests for Agency Action (Petitions).

All Requests for Agency Action filed by the 10th day of each calendar month may be considered by the Board for inclusion in the schedule of matters to be heard at its regularly scheduled meeting during the following calendar month. At the time the request is filed, petitioner will also file any [exhibits,] motions, affidavits, briefs, or memoranda intended to be offered by petitioner in support of said petition or motion. Petitioner will file with the petition a list of the names and last known addresses of all persons required by statute to be served or whose legally protected interest may be affected thereby. This rule will apply to all matters initiated by the Board on its own motion as well as to statements, briefs, or memoranda in support thereof prepared by the Division or by the Staff. Any petition or other materials filed after the 10th day of any calendar month may be considered by the Board at its regularly scheduled meeting during the following month only upon separate motion of petitioner made at or before the hearing for good cause shown.

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R641-105-500. Exhibits.

Any exhibits intended to be offered by petitioners will be filed at least thirty days prior to the date of the hearing for which the exhibits are intended [with the Notice of Agency Action or Request for Agency Action]. Respondents and intervenors will supply exhibits with their respective pleadings. Any exhibits intended to be offered by the parties in rebuttal of evidence presented at the hearing will be presented at the hearing. The Board, on its own motion, may order the continuance of any proceeding until the next regularly scheduled meeting of the Board in order to allow adequate

time for the Staff to evaluate any evidence presented during the hearing.

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KEY: administrative procedure
2001

40-6-1 et seq.

Notice of Continuation May 1, 1998



Natural Resources; Oil, Gas and Mining; Coal
R645-301-800
Bonding and Insurance

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23815
FILED: 07/31/2001, 16:22
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes proposed in this action are intended to assure that sureties which guarantee reclamation activities at Utah Coal Mines remain solvent and in good business stead while performing their business in behalf of Utah companies. Comments on the originally-proposed rule requested additional time to replace existing, non-complying surety companies, or to obtain new ones upon enactment. This change in proposed rule responds to that request.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Coal Regulatory Program to assure that surety companies comply with prescribed standards of operating efficiency and performance while guaranteeing a coal mining company's activity.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the June 15, 2001, issue of the Utah State Bulletin, on page 58. 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 40-10-6.5

FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the Coal Regulatory Program requirements.

❖LOCAL GOVERNMENTS: The changes made in this rule amendments make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: Actual on-the-ground compliance measures for coal mining operations are minor from this rule amendment. Because a similar standard for sureties is already enforced by the federal government for federal lessees, there is little effect on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators, their compliance would not be changed significantly by this rule change. If ordered to replace a surety, coal mine operators would be required to find alternative sureties. Compliance costs would be the cost of searching for and engaging an additional, more highly rated, surety company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule amendment to business is slight since the nature of the insurance business assures competition on rates for all corporate sureties. At the same time, the State obtains more assured and guaranteed reclamation performance from the operator.

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

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/22/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.
R645-301. Coal Mine Permitting: Permit Application Requirements.
R645-301-800. Bonding and Insurance.

The rules in R645-301-800 set forth the minimum requirements for filing and maintaining bonds and insurance for coal mining and reclamation operations under the State Program.

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860. Forms of Bonds.
860.100. Surety Bonds.
860.110. A surety bond will be executed by the operator and a corporate surety licensed to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570.

860.111. Operators who do not have a surety bond with a company that meets the standards of subsection 860.110. will have 120[90] days from the date of Division notification after enactment of the changes to subsection 860.110. in which to achieve compliance, or face enforcement action.

860.112. When the Division in the course of examining surety bonds notifies an operator that a surety company guaranteeing its performance does not meet the standard of subsection 860.110., the operator has 120[90] days after notice by mail from the Division to correct the deficiency, or face enforcement action.

860.120. Surety bonds will be noncancellable during their terms, except that surety bond coverage for lands not disturbed may be canceled with the prior consent of the Division. The Division will advise the surety, within 30 days after receipt of a notice to cancel bond, whether the bond may be canceled on an undisturbed area.

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KEY: reclamation, coal mines
2001 **40-10-1 et seq.**
Notice of Continuation June 6, 1997



Natural Resources; Oil, Gas and
Mining; Non-Coal
R647-2-111
Surety

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE No.: 23816
FILED: 07/31/2001, 16:22
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes proposed in this action are intended to assure that sureties which guarantee reclamation activities at Utah mineral exploration operations remain solvent and in good business stead while performing their business in behalf of Utah companies. Comments on the originally-proposed rule requested additional time to replace existing, non-complying surety companies, or to obtain new ones upon enactment. This change in proposed rule responds to that request.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Minerals Regulatory Program to assure that surety companies comply with prescribed standards of operating efficiency and performance while guaranteeing a mining company's activity.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the June 15, 2001, issue of the *Utah State Bulletin*, on page 60. 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 40-8-6

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the Minerals Regulatory Program requirements.

❖LOCAL GOVERNMENTS: The changes made in this rule amendment make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: Actual on-the-ground compliance measures for minerals mining operations are minor from this rule amendment. Replacement surety coverage will be needed in some cases, resulting in less business for some surety companies and more business for other companies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be minerals mine operators or explorationists, their compliance would not be changed significantly by this rule change. If ordered to replace a surety, operators would be required to find alternative sureties. Compliance costs would be the cost of searching for and engaging an additional, more highly rated, surety company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule amendment to business is slight since the nature of the insurance business assures competition on rates for all corporate sureties. At the same time, the State obtains more assured and guaranteed reclamation performance from the operator.

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

Natural Resources
Oil, Gas and Mining; Non-Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/22/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.

R647-2. Exploration.

R647-2-111. Surety.

1. The operator of an exploration project that will result in more than five surface acres being disturbed at any given time must post a reclamation surety prior to commencement of exploration. Disturbed areas which have been reclaimed are not included within the cumulative five acres for purposes of the reclamation surety.

2. The Division will not require a separate surety where a reclamation surety in a form and amount acceptable to the Division is held by the Division of Forestry, Fire and State Lands, The School and Institutional Trust Lands Administration, or an agency of the federal government.

3. As part of the review of the notice of intention, the Division shall determine the required surety amount based on site-specific calculations reflecting the Division's cost to reclaim the site. An operator's reclamation estimate will be accepted if it is accurate and verifiable.

4. The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the surety must be approved by the Division. Acceptable forms may include:

4.11. A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 120~~[90]~~ days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action. When the Division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of subsection 4.11., the operator has 120~~[90]~~ days after notice from the Division by mail to correct the deficiency, or face enforcement action;

4.12. Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

- 4.13. Cash;
- 4.14. An irrevocable letter of credit issued by a bank organized to do business in the United States;
- 4.15. Escrow accounts.
- 4.16. In addition, the Board may accept a written self-bonding agreement in the case of operators showing sufficient financial strength.
- 5. Surety shall be required until such time as reclamation is deemed complete by the Division. The Division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.
- 6. Adjustments or revisions made in the surety amount shall be in accordance with the terms and conditions outlined in the Reclamation Contract.

KEY: minerals reclamation
2001 **40-8-1 et seq.**
Notice of Continuation July 27, 1998

◆ _____ ◆

**Natural Resources; Oil, Gas and
Mining; Non-Coal
R647-4-113
Surety**

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 23817
FILED: 07/31/2001, 16:22
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes proposed in this action are intended to assure that sureties which guarantee reclamation activities at Utah mineral mining operations remain solvent and in good business stead while performing their business in behalf of Utah companies. Comments on the originally-proposed rule requested additional time to replace existing, non-complying surety companies, or to obtain new ones upon enactment. This change in proposed rule responds to that request.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Minerals Regulatory Program to assure that surety companies comply with prescribed standards of operating efficiency and performance while guaranteeing a mining company's activity.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the June 15, 2001, issue of the *Utah State Bulletin*, on page 61. 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 40-8-6

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost is anticipated at this time from this change due to its minor effect on the Minerals Regulatory Program requirements.

❖LOCAL GOVERNMENTS: The changes made in this rule amendment make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: Actual on-the-ground compliance measures for minerals mining operations are minor from this rule amendment. Replacement surety coverage will be needed in some cases, resulting in less business for some surety companies and more business for other companies. COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be minerals mine operators, their compliance would not be changed significantly by this rule change. If ordered to replace a surety, operators would be required to find alternative sureties. Compliance costs would be the cost of searching for and engaging an additional, more highly rated, surety company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule amendment to business is slight since the nature of the insurance business assures competition on rates for all corporate sureties. At the same time, the State obtains more assured and guaranteed reclamation performance from the operator.

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

Natural Resources
Oil, Gas and Mining; Non-Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/22/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.**R647-4. Large Mining Operations.****R647-4-113. Surety.**

1. After receiving notification that the notice of intention has been approved, but prior to commencement of operations, the operator shall provide the reclamation surety to the Division.

2. The Division will not require a separate surety when a reclamation surety in a form and amount acceptable to the Division is held by the Division of Forestry, Fire and State Lands, The School and Institutional Trust Lands Administration, or an agency of the federal government.

3. As part of the review of the notice of intention, the Division shall determine the final amount of surety required to reclaim the mine site. The surety amount will be based upon (a) the technical details of the approved mining and reclamation plan, (b) the proposed post mining land use, and (c) projected third party engineering and administrative costs to cover Division expenses incurred under a bond forfeiture circumstance. An operator's surety estimate will be accepted if it is accurate and verifiable. The Division may accept surety estimates based upon the Minerals Reclamation Program's average dollars per acre reclamation costs, if comparable to site specific cost estimates for similar operations.

4. The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the surety must be approved by the Division, except as provided in subpart 4.16. Acceptable forms may include:

4.11. A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 120[90] days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action. When the Division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of subsection 4.11., the operator has 120[90] days after notice from the Division by mail to correct the deficiency, or face enforcement action;

4.12. Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

4.13. Cash;

4.14. An irrevocable letter of credit issued by a bank organized to do business in the United States;

4.15. Escrow accounts.

4.16. The Board may accept a written self-bonding agreement in the case of operators showing sufficient financial strength.

5. Surety shall be required until such time as reclamation is deemed complete by the Division. The Division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

6. Adjustments or revisions made in the surety amount shall be in accordance with the terms and conditions outlined in the Reclamation Contract.

KEY: minerals reclamation

2001

40-8-1 et seq.

Notice of Continuation July 27, 1998

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**Natural Resources; Oil, Gas and
Mining; Oil and Gas
R649-3-1
Bonding**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23818

FILED: 07/31/2001, 16:22

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes proposed in this action are intended to assure that sureties which guarantee reclamation activities at Utah mineral mining operations remain solvent and in good business stead while performing their business in behalf of Utah companies. Comments on the originally-proposed rule requested additional time to replace existing, non-complying surety companies, or to obtain new ones upon enactment. This change in proposed rule responds to that request.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Oil and Gas Conservation Program to assure that surety companies comply with prescribed standards of operating efficiency and performance while guaranteeing an oil and gas company's activity.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the June 15, 2001, issue of the *Utah State Bulletin*, on page 62. 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 40-6-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** No cost is anticipated at this time from this change due to its minor effect on the Oil and Gas Conservation Program requirements.

❖**LOCAL GOVERNMENTS:** The changes made in this rule amendment make no demands of local governments, thus there will be little or no impact in this regard.

❖**OTHER PERSONS:** Actual on-the-ground compliance measures for oil and gas operations are minor from this rule amendment. Replacement surety coverage may be needed

in some cases, resulting in less business for some surety companies and more business for other companies. COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be oil and gas operators, their compliance would not be changed significantly by this rule change. If ordered to replace a surety, operators would be required to find alternative sureties. Compliance costs would be the cost of searching for and engaging an additional, more highly rated, surety company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule amendment to business is slight since the nature of the insurance business assures competition on rates for all corporate sureties. At the same time, the State obtains more assured and guaranteed site restoration performance from the operator.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Natural Resources
Oil, Gas and Mining; Oil and Gas
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/22/2001, 10:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/15/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

**R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.
R649-3. Drilling and Operating Practices.
R649-3-1. Bonding.**

1. An owner or operator shall furnish a bond to the division prior to approval of a permit to drill a new well, reenter an abandoned well or assume responsibility as operator of existing wells.

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10. The division shall accept a bond in the form of a surety bond, a collateral bond or a combination of these bonding methods.

10.1. A surety bond is an indemnity agreement in a sum certain payable to the division, executed by the operator as principal

and which is supported by the performance guarantee of a corporation authorized to do business as a surety in Utah.

10.1.1. A surety bond shall be executed by the operator and a corporate surety authorized to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 10.1.1. will have 120[90] days from the date of Division notification after enactment of the changes to subsection 10.1.1., or face enforcement action. When the Division in the course of examining surety bonds notifies an operator that a surety company guaranteeing its performance does not meet the standards of subsection 10.1.1., the operator has 120[90] days after notice from the Division by mail to correct the deficiency, or face enforcement action.

10.1.2. Surety bonds shall be noncancellable during their terms, except that surety bond coverage for wells not drilled may be canceled with the prior consent of the division.

10.1.3. The division shall advise the surety, within 30 days after receipt of a notice to cancel a bond, whether the bond may be canceled on an undrilled well.

.....

**KEY: oil and gas law
2001
Notice of Continuation April 30, 1997** **40-6-1 et seq.**



**End of the Notices of Changes
in Proposed Rules Section**

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (2001)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the PROPOSED RULE. EMERGENCY or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (2001); and *Utah Administrative Code* Section R15-4-8.

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-306** Program Benefits

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 23943
FILED: 07/26/2001, 10:24
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is to comply with a Utah Department of Health policy change to stay within budget restraints.

SUMMARY OF THE RULE OR CHANGE: Eligibility for Medicaid currently allows coverage to begin on the first day of a month that is three months prior to the date of application. The change is to restrict the coverage to the date of the prior month that coincides with the date of the month of application, and in no case to go back to the first day of the prior month.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-10

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 42 CFR 435.914 2000 ed.

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Savings should reflect what was included in the budget document, which was \$933,660 in general funds and \$2,216,340 in federal funds.

❖**LOCAL GOVERNMENTS:** This rule does not apply to local government, so there would be no fiscal impact.

❖**OTHER PERSONS:** Either the applicant will have to pay for the services provided, or the provider will have additional uncompensated care costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no fiscal impact on affected persons other than that described in Aggregate anticipated cost or savings to State Budget, Local Government, and Other Persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This reduction in Medicaid coverage is necessary to stay within current appropriations. In the event that revenue projections improve, this change could be reevaluated. Rod L. Betit

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

Lessening the number of days of retroactive coverage will help ease an already tight budget.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gayle Six at the above address, by phone at (801) 538-6895,
by FAX at (801) 538-6952, or by Internet E-mail at
gsix@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE
BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 08/01/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

January 1, 1998. An individual selected to receive QI benefits in a month of the year is entitled to receive such assistance for the remainder of the calendar year if the individual continues to be a qualifying individual. Receipt of benefits as a qualifying individual in one calendar year does not entitle the individual to continued assistance in any succeeding year.

.....

KEY: program benefits
August 1, 2001
Notice of Continuation February 6, 1998

26-18



R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-306. Program Benefits.

.....

R414-306-4. Effective Date of Eligibility.

(1) The Department adopts 42 CFR 435.914, [~~1999~~2000 ed., which is incorporated by reference.

(2) Eligibility for Medicaid shall begin no earlier than the date that is three months before the date of application for benefits. Coverage shall not be effective on the first day of a month if that date is more than three months before the application date.~~[(2) Eligibility shall begin no earlier than the third month before the month of application:~~

~~— (3) Eligibility shall begin on the first day of the month if the individual was eligible any time during that month.~~

~~— (4) UMAP eligibility shall begin on the first day of the month prior to the month of application, provided eligibility exists.]~~

~~[(5)3] There is no provision for retroactive QMB assistance.~~

~~[(6)4] Institutional Medicaid shall begin on the date that the Department of Health receives verification of nursing home admission from the nursing home, but no earlier than the date that is three months before the date of application for nursing home services. Coverage shall not be effective on the first day of a month if that date is more than three months before the application date. [Coverage does not begin earlier than the third month prior to the month of application.]~~

~~[(7)5] Eligibility under a Home and Community Based Services waiver shall begin on the first day of the month in which the client meets the level-of-care criteria and home and community based services begin, but no earlier than the date that is three months before the date of application for waiver Medicaid services. Coverage for waiver Medicaid shall not be effective on the first day of a month if that date is more than three months before the application date. [Coverage does not begin earlier than the third month prior to the month of application.]~~

~~[(8)6] Eligibility for benefits as a Qualifying Individual can begin no more than [three months prior to the month]the date that is three months before the date of application, and in no case before~~

**End of the Notices of 120-Day
(Emergency) 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).

Administrative Services, Information Technology Services

R29-1

Division of Information Technology Services Adjudicative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23944
FILED: 07/26/2001, 12:00
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 63, Chapter 46b, Utah Administrative Procedures Act, requires this rule. It is enacted under the authority of Section 63A-1-110.

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 comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule saves the agency time and money for resolving disputes. If the rule is not extended Information Technology Services would have to follow the procedures of the Administrative Procedures Act (Title 63, Chapter 46b), which could be expensive and time consuming.

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

Administrative Services
Information Technology Services
6000 State Office Building

Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Robert Woolley at the above address, by phone at (801) 538-1072, by FAX at (801) 538-3622, or Internet E-mail at bwoolley@utah.gov.

AUTHORIZED BY: Robert Woolley, Assistant Director

EFFECTIVE: 07/26/2001



Agriculture and Food, Administration

R51-3

Government Records Access and Management Act

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23958
FILED: 07/31/2001, 11:46
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: Sections 63-2-204 and 63-2-904 authorize the Department of Agriculture and Food to make and enforce 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: This rule

provide procedures for access and denial of access to government records.

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

Agriculture and Food Administration
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Renee Matsuura at the above address, by phone at (801) 538-7110, by FAX at (801) 538-7126, or Internet E-mail at agmain.rmatsuura@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 07/31/2001



Agriculture and Food, Administration

R51-4

ADA Complaint Procedure

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23959
FILED: 07/31/2001, 11:46
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) authorizes the Department of Agriculture and Food to make and enforce 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: This rule adopts and defines complaint procedures in accordance with the Americans with Disabilities Act (ADA).

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

Agriculture and Food Administration
350 North Redwood Road

PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Renee Matsuura at the above address, by phone at (801) 538-7110, by FAX at (801) 538-7126, or Internet E-mail at agmain.rmatsuura@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 07/31/2001



Agriculture and Food, Plant Industry

R68-4

Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23960
FILED: 07/31/2001, 11:46
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 4-2-2 authorizes the Department of Agriculture and Food to make and enforce 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: This rule adopts the standards and grades established by the Food Safety and Quality Service, United States Department of Agriculture, for fresh fruits and vegetables.

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

Agriculture and Food Plant Industry
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Dick Wilson at the above address, by phone at (801) 538-7180, by FAX at (801) 538-7126, or Internet E-mail at agmain.dwilson@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 07/31/2001

Agriculture and Food, Plant Industry
R68-8
 Utah Seed Law

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

DAR FILE No.: 23961
 FILED: 07/31/2001, 11:46
 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: Sections 4-2-2 and 4-16-3 authorize the Department of Agriculture and Food to make and enforce rules. Section 4-17-3 authorizes the department to investigate and designate noxious weeds on a statewide basis and regulate the flow of contaminated articles into the state.

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: This rule is established to control the sale or distribution of any agricultural product which contains any prohibited noxious weed seeds.

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

Agriculture and Food
 Plant Industry
 350 North Redwood Road
 PO Box 146500
 Salt Lake City, UT 84114-6500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Stephen Burningham at the above address, by phone at (801) 538-7183, by FAX at (801) 538-7126, or Internet E-mail at agmain.sburning@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 07/31/2001

Commerce, Administration
R151-46b
 Department of Commerce
 Administrative Procedures Act

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

DAR FILE No.: 23945
 FILED: 07/27/2001, 10:55
 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 Administrative Procedures Act, Utah Code Section 63-46b-0.5 through 63-46b-22, governs all state agency actions that determine the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons. Utah Code Subsection 63-46-1(6) permits an agency to enact rules affecting or governing adjudicative procedures according to the procedures outlined in Title 63.

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: Rule R151-46b should be continued because this rule governs adjudicative proceedings before the Department in accordance with the Utah Administrative Procedures Act. This rule is essential to the functions of the Department of Commerce in that it sets forth specific processes and procedures governing adjudicative proceedings specifically before the Department of Commerce.

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

Commerce
 Administration
 Second Floor, Heber M. Wells Building
 160 East 300 South
 PO Box 146701
 Salt Lake City, UT 84114-6701, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Douglas D. Wilkinson at the above address, by phone at (801) 530-7663, by FAX at (801) 530-6001, or Internet E-mail at dwilkinson@utah.gov.

AUTHORIZED BY: Ted Boyer, Jr., Executive Director

EFFECTIVE: 07/27/2001



Commerce, Occupational and Professional Licensing
R156-67
Utah Medical Practice Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23925
FILED: 07/19/2001, 12:08
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 67 provides for the licensure of physicians/surgeons. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-67-201(3) provides that the Physicians 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 67 with respect to physicians/surgeons.

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. However, no written comments have been received with respect to 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 as it clarifies the provisions of Title 58, Chapter 67 with respect to physicians/surgeons.

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:
Diana Baker at the above address, by phone at (801) 530-6179, by FAX at (801) 530-6511, or Internet E-mail at brdopl.dbaker@email.state.ut.us.

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 07/19/2001



Corrections, Administration
R251-101
Corrections Advisory Council Bylaws

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23966
FILED: 08/01/2001, 09:08
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 64-13-14.1 establishes the creation of Corrections Advisory Council. This rule describes how the Department will administer the statute.

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 continues to provide important interpretation and standards for administering the requirements of the statute.

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: 08/01/2001

Corrections, Administration
R251-702
Inmate Communication: Telephones

Corrections, Administration
R251-104
Declaratory Orders

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23968
FILED: 08/01/2001, 09:08
RECEIVED BY: NL

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23967
FILED: 08/01/2001, 09:08
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 64-13-10 requires the Department of Corrections to provide programs and facilities to accomplish its purposes. This section also grants the Department rulemaking authority to carry out the provisions of the statutes.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-46b-21 requires each agency to issue a rule that provides for the filing of petitions for declaratory orders.

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.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to ensure control of the inmate's use of and access to communication systems in order to maintain the safety and security of the facilities.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is needed to define the requirements governing the submission, review, and disposition of petitions determining the applicability of statutes, rules, and orders within the jurisdiction of the Department.

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

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.

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.

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: Mike Chabries, Executive Director

EFFECTIVE: 08/01/2001

EFFECTIVE: 08/01/2001

Environmental Quality, Radiation Control

R313-12

General Provisions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23932
FILED: 07/23/2001, 10:58
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 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposures to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it establishes compliance requirements for persons who use sources of radiation. The rule helps to assure the radiological safety of the public, radiation workers, and the environment. No opposing comments have been received.

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: Susan Giddings at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or Internet E-mail at sgidding@deq.state.ut.us.

AUTHORIZED BY: William J. Sinclair, Director

EFFECTIVE: 07/23/2001



Environmental Quality, Radiation Control

R313-14

Violations and Escalated Enforcement

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23933
FILED: 07/23/2001, 10:58
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 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it establishes compliance requirements for persons who use sources of radiation. The rule helps to assure the radiological safety of the public, radiation workers, and the environment. No opposing comments have been received.

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: Susan Giddings at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or Internet E-mail at sgidding@deq.state.ut.us.

AUTHORIZED BY: William J. Sinclair, Director

EFFECTIVE: 07/23/2001

DIRECT QUESTIONS REGARDING THIS RULE TO:

Susan Giddings at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or Internet E-mail at sgidding@deq.state.ut.us.

AUTHORIZED BY: William J. Sinclair, Director

EFFECTIVE: 07/23/2001

Environmental Quality, Radiation Control

R313-16

General Requirements Applicable to the installation, Registration, Inspection and Use of Radiation Machines

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23934
FILED: 07/23/2001, 10:58
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 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it prescribes requirements governing the installation, registration, inspection, and use of sources of electronically produced ionization radiation.

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.

Environmental Quality, Radiation Control

R313-17

Administrative Procedures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23935
FILED: 07/23/2001, 10:58
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 19-1-106(1) created the Radiation Control Board within the Department of Environment Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This is not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it clarifies administrative procedures to be followed by the Utah Radiation Control Board.

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:
Susan Giddings at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or Internet E-mail at sgidding@deq.state.ut.us.

AUTHORIZED BY: William J. Sinclair, Director

EFFECTIVE: 07/23/2001



**Environmental Quality, Radiation
Control**

R313-18

**Notices, Instructions and Reports to
Workers by Licensees or Registrants--
Inspections**

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

DAR FILE No.: 23936
FILED: 07/23/2001, 10:58
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 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirement of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This is not a controversial rule. Review by Division of Radiation Control recommends continuation of this rule. No other comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it establishes notification and training requirements for individuals who work with radiation machines or radioactive materials. The rule establishes the options an individual has to request or participate in safety inspections.

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:
Susan Giddings at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or Internet E-mail at sgidding@deq.state.ut.us.

AUTHORIZED BY: William J. Sinclair, Director

EFFECTIVE: 07/23/2001



**Human Services, Recovery Services
R527-800**

Enforcement Procedures

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

DAR FILE No.: 23929
FILED: 07/23/2001, 08:26
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-11-104 charges the Office of Recovery Services with the duty to collect money due the department. In order to collect monies due the department rules must be established to enforce orders.

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: The Office of Recovery Services is charged with the responsibility to collect money owed the department. This rule establishes procedures by which the Office may enforce orders to collect monies owed the department.

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.

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: 07/23/2001



Natural Resources; Oil, Gas and Mining; Coal
R645-106
Exemption for Coal Extraction Incidental to the Extraction of Other Minerals

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23926
FILED: 07/19/2001, 13:20
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is enacted under the provisions of Section 40-10-6.5 and is a part of the State's coal regulatory primacy program under the (federal) Surface Coal Mining and Reclamation Act (Pub. L. No. 95-87).

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 comments have been received on this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is an integral part of the State's coal regulatory primacy program and as such is needed to maintain primacy in coal regulation for the State of Utah.

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

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or Internet E-mail at rdaniels@state.ut.us.

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

EFFECTIVE: 07/19/2001



Natural Resources; Oil, Gas and Mining; Oil and Gas
R649-10
Administrative Procedures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23927
FILED: 07/19/2001, 13:20
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under the authority of Section 40-6-5 and is intended to provide direction for conducting administrative procedures in the Division of Oil, Gas and Mining for the Oil and Gas Conservation Program.

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 comments have been received on this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is an integral part of the State's oil and gas conservation program and as such is needed to assure that administrative procedures before the Division are described for use.

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

Natural Resources
Oil, Gas and Mining; Oil and Gas
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or Internet E-mail at rdaniels@state.ut.us.

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

EFFECTIVE: 07/19/2001



Natural Resources; Forestry, Fire and State Lands
R652-2
Sovereign Land Management Objectives

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23937
FILED: 07/23/2001, 15:39
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 rule is enacted to clarify the public interest and public trust management constraints of Subsection 65A-1-4(1). The rule is promulgated pursuant to general rulemaking authority of Subsection 65A-1-4(2).

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 comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule adds a measure of specificity to terms used in statues outlining the management responsibility of the Division. The rule is referenced elsewhere in other rules under R652 when decision constraints are addressed.

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

Natural Resources
Forestry, Fire and State Lands
3520
1594 West North Temple
PO Box 145703

Salt Lake City, UT 84114-5703, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or Internet E-mail at nrslf.kkappe@state.ut.us.

AUTHORIZED BY: Karl Kappe, Strategic Planner

EFFECTIVE: 07/23/2001



Natural Resources; Forestry, Fire and State Lands
R652-8
Adjudicative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23938
FILED: 07/23/2001, 15:39
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: Sections 63-46b-4 and 63-46b-5 authorize agency rulemaking regarding designation of informal adjudicative proceedings and the procedure by which adjudicative proceedings are conducted.

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 comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Informal adjudicative proceedings are an integral part of the Division's customer service philosophy. Through this rule, the Division is responding to authority granted in the Administrative Procedures Act.

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

Natural Resources
Forestry, Fire and State Lands
3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or Internet E-mail at nrslf.kkappe@state.ut.us.

AUTHORIZED BY: Karl Kappe, Strategic Planner

EFFECTIVE: 07/23/2001

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or Internet E-mail at nrslf.kkappe@state.ut.us.

AUTHORIZED BY: Karl Kappe, Strategic Planner

EFFECTIVE: 07/23/2001

Natural Resources; Forestry, Fire and State Lands
R652-9
Consistency Review

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23939
FILED: 07/23/2001, 15:39
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 65A-1-4(5) provides for an aggrieved party to a final Division action to appeal that action to the executive director of the Department of Natural Resources. The rule establishes the procedure through which the aggrieved party may pursue the appeal. The rule is promulgated under general rulemaking authority of Subsection 65A-1-4(2).

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 comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule informs potential appellants of the procedure through which they may exercise statutory authority to appeal final Division actions. Providing customers with information regarding appeal procedures is part of the Division's customer service orientation.

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

Natural Resources
Forestry, Fire and State Lands
3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703, or
at the Division of Administrative Rules.

Natural Resources; Forestry, Fire and State Lands
R652-41
Rights of Entry

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23940
FILED: 07/23/2001, 15:39
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 Division issues rights of entry permits for commercial use of state land. Rights of entry uses include filmmaking and brine shrimp harvesting. Section 65A-7-1 authorizes rulemaking for this kind of activity in the context of "sale, exchange, lease, or other disposition or conveyance of state lands."

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 comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Commercial activity continues as a legitimate use of state land.

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

Natural Resources
Forestry, Fire and State Lands
3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or Internet E-mail at nrslf.kkappe@state.ut.us.

AUTHORIZED BY: Karl Kappe, Strategic Planner

EFFECTIVE: 07/23/2001

EFFECTIVE: 07/23/2001



Natural Resources; Forestry, Fire and State Lands
R652-80
Land Exchanges

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23941
FILED: 07/23/2001, 15:39
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: Land exchanges are part of the Division's state land management activity. Section 65A-7-7 authorizes exchanges in accordance with Division 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: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Land exchange authority is an essential element of the Division's state land management responsibility. The rule is required for the Division to exercise statutory authority.

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

Natural Resources
Forestry, Fire and State Lands
3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or Internet E-mail at nrsif.kkappe@state.ut.us.

AUTHORIZED BY: Karl Kappe, Strategic Planner



Public Safety, Driver License
R708-18
Regulatory and Administrative Fees

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23957
FILED: 07/30/2001, 18:24
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: Subsections 53-3-104(2) and 63-38-3(2), and Sections 53-3-105, 53-3-808, and 53-3-905 give the Driver License Division authority to collect fees for searching and compiling its files or furnishing a report on the driving record of a person and prepare under the seal of the division and deliver upon request, a certified copy of any record of the division, and charge a fee for each document authenticated. In addition, the division may charge a fee for various types of driver licenses, renewals, reinstatement, rescheduling, identification cards, etc.

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: We need to continue this rule so that we are in compliance with statute and have the ability to charge fees for driver license services.

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

Public Safety
Driver License
Calvin Rampton Complex
4510 South 2700 West
PO Box 30560
Salt Lake City, UT 84130-0560, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 964-4482, or Internet E-mail at vroos@email.state.ut.us.

AUTHORIZED BY: Judy Hamaker-Mann, Director

EFFECTIVE: 07/30/2001



End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF EXPIRED RULES

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (*Utah Code* Section 63-46a-9 (1998)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules (Division). However, if the agency fails to file either the review or the extension by the five-year anniversary date of the rule, the rule expires. Upon expiration of the rule, the Division is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule, and it must follow regular rulemaking procedures to replace the rule if necessary.

The rules listed below were *not* reviewed in accordance with Section 63-46a-9 (1998). These rules have expired and have been removed from the *Utah Administrative Code*. The expiration of administrative rules for failure to comply with the five-year review requirement is governed by *Utah Code* Subsection 63-46a-9(8) (1998).

Education

Administration

No. 23920: R277-914. Applied Technology Education (ATE) Leadership.

Enacted: 07/16/96 (No. 17819, Filed 05/29/96 at 11:41 a.m., Published 06/15/96)

Expired: 07/16/2001

End of the Notices of Expired Rules 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

Consumer Protection

No. 23789 (AMD): R152-1. Utah Division of Consumer Protection: "Buyer Beware List".
Published: June 15, 2001
Effective: July 30, 2001

No. 23791 (AMD): R152-7 (Changed to R152-23). Utah Health Spa Services.
Published: June 15, 2001
Effective: July 30, 2001

No. 23792 (AMD): R152-15. Business Opportunity Disclosure Act Rules.
Published: June 15, 2001
Effective: July 30, 2001

No. 23793 (REP): R152-16. Motor Fuel Marketing Act Rules.
Published: June 15, 2001
Effective: July 30, 2001

No. 23794 (AMD): R152-22. Charitable Solicitations Act.
Published: June 15, 2001
Effective: July 30, 2001

No. 23795 (AMD): R152-26. Telephone Fraud Prevention Act.
Published: June 15, 2001
Effective: July 30, 2001

Corporations and Commercial Code

No. 23672 (NEW): R154-2. Utah Uniform Commercial Code, Revised Article 9 Rules.
Published: May 1, 2001
Effective: July 26, 2001

Occupational and Professional Licensing

No. 23798 (AMD): R156-1-308a. Renewal Dates.
Published: June 15, 2001
Effective: July 17, 2001

No. 23797 (AMD): R156-5a. Podiatric Physician Licensing Act Rules.
Published: June 15, 2001
Effective: July 17, 2001

No. 23796 (NEW): R156-9a. Uniform Athlete Agents Act Rules.
Published: June 15, 2001
Effective: July 17, 2001

No. 23799 (AMD): R156-38. Residence Lien Restriction and Lien Recovery Fund Rules.
Published: June 15, 2001
Effective: July 17, 2001

Education

Administration

No. 23850 (AMD): R277-451. The State School Building Program.
Published: July 1, 2001
Effective: August 1, 2001

No. 23851 (REP): R277-456. Funding Regional Service Centers.
Published: July 1, 2001
Effective: August 1, 2001

No. 23852 (AMD): R277-470. Distribution of Funds for Charter Schools.
Published: July 1, 2001
Effective: August 1, 2001

No. 23853 (NEW): R277-478. Block Grant Funding.
Published: July 1, 2001
Effective: August 1, 2001

No. 23854 (NEW): R277-479. Expenditure of Appropriation for District Services.
Published: July 1, 2001
Effective: August 1, 2001

No. 23855 (AMD): R277-526. Career Ladders in Education.
Published: July 1, 2001
Effective: August 1, 2001

No. 23856 (NEW): R277-717. Math, Engineering, Science Achievement (MESA).
Published: July 1, 2001
Effective: August 1, 2001

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No. 23756 (AMD): R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.
Published: June 1, 2001
Effective: August 2, 2001

No. 23757 (AMD): R307-110-33. Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County.
Published: June 1, 2001
Effective: August 2, 2001

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No. 23762 (R&R): R396-100. Immunization Rule for Students.
Published: June 1, 2001
Effective: July 19, 2001

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No. 23802 (AMD): R414-501. Preadmission and Continued Stay Review.
Published: June 15, 2001
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No. 23803 (AMD): R414-502. Nursing Facility Levels of Care.
Published: June 15, 2001
Effective: July 18, 2001

No. 23804 (AMD): R414-503. Preadmission Screening and Annual Resident Review.
Published: June 15, 2001
Effective: July 18, 2001

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No. 23811 (AMD): R430-100. Child Care Center.
Published: June 15, 2001
Effective: July 31, 2001

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Published: June 15, 2001
Effective: July 18, 2001

No. 23807 (AMD): R657-23. Process for Providing Proof of Completion of Hunter Education.
Published: June 15, 2001
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No. 23808 (AMD): R657-37. Cooperative Wildlife Management Units for Big Game.
Published: June 15, 2001
Effective: July 18, 2001

No. 23809 (AMD): R657-42-8. Accepted Payment of Fees.
Published: June 15, 2001
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Published: July 1, 2001
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Published: June 15, 2001
Effective: July 17, 2001

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No. 23846 (AMD): R861-1A-9. Tax Commission as Board of Equalization Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006.
Published: July 1, 2001
Effective: August 2, 2001

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No. 23847 (AMD): R884-24P-66. Appeal to County Board of Equalization Pursuant to Utah Code Ann. Section 59-2-1004.
Published: July 1, 2001
Effective: August 2, 2001

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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 August 1, 2001, the effective dates of which are no later than August 15, 2001. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

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ABBREVIATIONS

<p>AMD = Amendment CPR = Change in proposed rule EMR = Emergency rule (120 day) NEW = New rule 5YR = Five-Year Review EXD = Expired</p>	<p>NSC = Nonsubstantive rule change REP = Repeal R&R = Repeal and reenact * = Text too long to print in <i>Bulletin</i>, or repealed text not printed in <i>Bulletin</i></p>
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R657-42-6	Reallocation of Permits	23533	AMD	04/03/2001	2001-5/27
R657-42-8	Accepted Payment of Fees	23809	AMD	07/18/2001	2001-12/70
R657-43	Landowner Permits	23675	AMD	06/04/2001	2001-9/119
R657-44	Big Game Depredation	23676	AMD	06/04/2001	2001-9/122
R657-48	Implementation of the Wildlife Species of Concern and Habitat Designation Advisory Committee	23677	NEW	06/13/2001	2001-9/124
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R674-2	Disbursement of Discretionary Grants and Noncommercial Licensing	23742	EXD	05/09/2001	2001-11/121
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R708-3	Driver License Point System Administration	23402	AMD	03/06/2001	2001-3/75
R708-18	Regulatory and Administrative Fees	23957	5YR	07/30/2001	2001-16/59
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R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	23580	AMD	05/16/2001	2001-8/77
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R724-4 (Changed to R722-300)	Concealed Firearm Permit Rule	23445	NSC	02/01/2001	Not Printed
R724-6 (Changed to 722-340)	Emergency Vehicles	23446	NSC	02/01/2001	Not Printed
R724-7 (Changed to R722-320)	Undercover Identification	23447	NSC	02/01/2001	Not Printed
R724-9 (Changed to R722-330)	Licensing of Private Investigations	23448	NSC	02/01/2001	Not Printed
R724-10 (Changed to R722-310)	Regulation of Bail Bond Recovery and Enforcement Agents	23449	NSC	02/01/2001	Not Printed

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R746-340	Service Quality for Telecommunications Corporations	23328	AMD	see CPR	2000-23/49
R746-340	Service Quality for Telecommunications Corporations	23328	CPR	03/27/2001	2001-4/56
R746-341	Lifeline Rule	23376	AMD	03/01/2001	2001-1/30
R746-347	Extended Area Service (EAS)	23844	REP	08/01/2001	2001-13/73
R746-352	Price Cap Regulation	23232	NEW	see CPR (First)	2000-21/26
R746-352	Price Cap Regulation	23232	CPR (First)	see CPR (Second)	2001-5/32
R746-352	Price Cap Regulation	23232	CPR (Second)	06/15/2001	2001-7/38
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R765-649	Utah Higher Education Assistance Authority (UHEAA) Privacy Policy	23596	NEW	05/16/2001	2001-8/78
R765-649	Utah Higher Education Assistance Authority (UHEAA) Privacy Policy	23782	AMD	07/17/2001	2001-12/71
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R861-1A-17	Definition of Return Pursuant to Utah Code Ann. Sections 59-1-210 and 59-1-403	23717	AMD	07/04/2001	2001-10/44
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R865-6F-15	Installment Basis of Reporting Income in Year of Termination Pursuant to Utah Code Ann. Section 59-7-119	23556	NSC	04/01/2001	Not Printed
R865-19S-85	Sales and Use Tax Exemptions for New or Expanding Operations and Normal Operating Replacements Pursuant to Utah Code Ann. Section 59-12-104	23716	AMD	07/04/2001	2001-10/46
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R916-3	DESIGN-BUILD Contracts	23609	NSC	05/01/2001	Not Printed
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R930-6	Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way	23443	NSC	02/12/2001	Not Printed
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R933-3	Relocation of Modification of Existing Authorized Access Openings or Granting New Access Openings on Limited Access Highways	23619	NSC	05/01/2001	Not Printed
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R994-406-304	Appeal Time Limitation for Decisions Which are Mailed	23525	AMD	04/05/2001	2001-5/28

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ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired

NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

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	23945	R151-46b	5YR	07/27/2001	2001-16/50
Commerce, Occupational and Professional Licensing	23839	R156-46b	5YR	06/11/2001	2001-13/85
Community and Economic Development, Community Development, History	23606	R212-4	NSC	05/01/2001	Not Printed
Environmental Quality, Air Quality	23442	R307-103-1	NSC	02/01/2001	Not Printed
	23407	R307-103-2	AMD	04/12/2001	2001-3/13
Environmental Quality, Drinking Water	23662	R309-101	5YR	04/16/2001	2001-9/140
	23664	R309-103	5YR	04/16/2001	2001-9/141
	23665	R309-104	5YR	04/16/2001	2001-9/141
	23252	R309-150	AMD	01/04/2001	2000-22/33
Environmental Quality, Radiation Control	23935	R313-17	5YR	07/23/2001	2001-16/54
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	23779	R477-15	AMD	07/03/2001	2001-11/103
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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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	23939	R652-9	5YR	07/23/2001	2001-16/58
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	23941	R652-80	5YR	07/23/2001	2001-16/59
	23425	R652-121	AMD	03/12/2001	2001-3/64
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23742	R674-2	EXD	05/09/2001	2001-11/121
	23740	R674-3	EXD	05/07/2001	2001-11/121
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	23442	R307-103-1	NSC	02/01/2001	Not Printed
	23407	R307-103-2	AMD	04/12/2001	2001-3/13
	23756	R307-110-31	AMD	08/02/2001	2001-11/18
	23757	R307-110-33	AMD	08/02/2001	2001-11/19
	23760	R307-405-1	AMD	07/12/2001	2001-11/21
	23781	R307-501	EMR	05/15/2001	2001-11/114
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	23606	R81-4B	NSC	05/01/2001	Not Printed
	23592	R81-10	5YR	04/02/2001	2001-8/86
	23604	R81-10	NSC	05/01/2001	Not Printed
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	23920	R277-914	EXD	07/16/2001	2001-16/61
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	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
	23847	R884-24P-66	AMD	08/02/2001	2001-13/77
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<u>ARCHITECTS</u>					
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	23730	R156-3a	NSC	06/01/2001	Not Printed
	23837	R156-3a	5YR	06/11/2001	2001-13/85
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Administrative Services, Finance	23366	R25-14	AMD	01/22/2001	2000-24/5
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<u>BANKS AND BANKING</u>					
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<u>BENEFITS</u>					
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	23692	R202-207	NSC	05/01/2001	Not Printed
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	23806	R657-5	AMD	07/18/2001	2001-12/63
	23675	R657-43	AMD	06/04/2001	2001-9/119
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Environmental Quality, Radiation Control	23668	R313-14	AMD	06/08/2001	2001-9/55
	23933	R313-14	5YR	07/23/2001	2001-16/53
Human Services, Recovery Services	23929	R527-800	5YR	07/23/2001	2001-16/55
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Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
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	23664	R309-103	5YR	04/16/2001	2001-9/141
	23665	R309-104	5YR	04/16/2001	2001-9/141
	23252	R309-150	AMD	01/04/2001	2000-22/33
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	23312	R313-19	AMD	01/26/2001	2000-23/19
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Public Service Commission, Administration	23844	R746-347	REP	08/01/2001	2001-13/73
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	23773	R477-5	AMD	07/03/2001	2001-11/86
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Fair Corporation (Utah State), Administration	23890	R325-1	5YR	07/12/2001	2001-15/50
	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
	23894	R325-5	5YR	07/12/2001	2001-15/52
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<u>FEED CONTAMINATION</u>					
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<u>FEES</u>					
Administrative Services, Finance	23366	R25-14	AMD	01/22/2001	2000-24/5
Health, Center for Health Data, Vital Records and Statistics	23681	R436-11	NSC	05/01/2001	Not Printed
Labor Commission, Industrial Accidents	23463	R612-2-3	NSC	02/15/2001	Not Printed
	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
	23549	R612-2-5	AMD	05/03/2001	2001-7/21
	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	2001-4/33
	23468	R612-2-17	NSC	02/15/2001	Not Printed
	23469	R612-2-22	AMD	03/20/2001	2001-4/33
	23470	R612-2-23	NSC	02/15/2001	Not Printed
	23471	R612-2-24	AMD	03/20/2001	2001-4/34
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	23753	R414-304	AMD	07/06/2001	2001-11/62
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	23580	R710-4	AMD	05/16/2001	2001-8/77
<u>FIRE PREVENTION LAW</u>					
Public Safety, Fire Marshal	23340	R710-9	AMD	01/16/2001	2000-24/64
<u>FISH</u>					
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<u>FISHING</u>					
Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
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	23585	R58-11	5YR	03/30/2001	2001-8/83
	23586	R58-12	5YR	03/30/2001	2001-8/84
	23587	R58-13	5YR	03/30/2001	2001-8/84
	23589	R58-16	5YR	03/30/2001	2001-8/85
Plant Industry	23960	R68-4	5YR	07/31/2001	2001-16/49
Agriculture and Food, Regulatory Services	23428	R70-420	REP	03/06/2001	2001-3/5
	23429	R70-430	REP	03/06/2001	2001-3/6
	23430	R70-610	5YR	01/16/2001	2001-3/96
	23431	R70-610	NSC	02/01/2001	Not Printed
	23432	R70-620	5YR	01/16/2001	2001-3/97
	23433	R70-620	AMD	03/06/2001	2001-3/7
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Commerce, Consumer Protection	23792	R152-15	AMD	07/30/2001	2001-12/14
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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
	23806	R657-5	AMD	07/18/2001	2001-12/63
	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
	23807	R657-23	AMD	07/18/2001	2001-12/66
	23393	R657-33	AMD	02/15/2001	2001-2/8
<u>GOVERNMENT DOCUMENTS</u>					
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Community and Economic Development, Community Development, Community Services	23692	R202-207	NSC	05/01/2001	Not Printed
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	23945	R151-46b	5YR	07/27/2001	2001-16/50
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	23717	R861-1A-17	AMD	07/04/2001	2001-10/44
	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
<u>GRIEVANCES</u>					
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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
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	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
	23418	R315-50	AMD	04/20/2001	2001-3/50
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	23478	R432-2	NSC	04/01/2001	Not Printed
	23479	R432-3	NSC	04/01/2001	Not Printed
	23480	R432-4	NSC	04/01/2001	Not Printed
	23481	R432-5	NSC	04/01/2001	Not Printed
	23482	R432-6	NSC	04/01/2001	Not Printed
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	23485	R432-9	NSC	04/01/2001	Not Printed
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	23487	R432-11	NSC	04/01/2001	Not Printed
	23488	R432-12	NSC	04/01/2001	Not Printed
	23489	R432-13	NSC	04/01/2001	Not Printed
	23490	R432-14	NSC	04/01/2001	Not Printed
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	23492	R432-30	NSC	04/01/2001	Not Printed
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	23494	R432-100	NSC	04/01/2001	Not Printed
	23495	R432-101	NSC	04/01/2001	Not Printed
	23496	R432-102	NSC	04/01/2001	Not Printed
	23497	R432-103	NSC	04/01/2001	Not Printed
	23498	R432-104	NSC	04/01/2001	Not Printed
	23499	R432-105	NSC	04/01/2001	Not Printed
	23561	R432-106	NSC	04/01/2001	Not Printed
	23500	R432-150	NSC	04/01/2001	Not Printed
	23501	R432-151	NSC	04/01/2001	Not Printed
	23502	R432-152	NSC	04/01/2001	Not Printed
	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
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Commerce, Occupational and Professional Licensing	23735	R156-46a-308	AMD	07/05/2001	2001-11/4
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	23407	R307-103-2	AMD	04/12/2001	2001-3/13
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	23547	R686-100	NSC	04/01/2001	Not Printed
<u>HIGHER EDUCATION</u>					
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	23782	R765-649	AMD	07/17/2001	2001-12/71
<u>HIGHWAY BEAUTIFICATION</u>					
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	23614	R926-5	NSC	05/01/2001	Not Printed
<u>HIGHWAY HEARINGS</u>					
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<u>HIGHWAY PLANNING</u>					
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<u>HIGHWAYS</u>					
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	23750	R916-3	5YR	05/14/2001	2001-11/119
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	23556	R865-6F-15	NSC	04/01/2001	Not Printed
<u>HOSTILE WORK ENVIRONMENT</u>					
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	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
	23783	R501-14	5YR	05/18/2001	2001-12/75
	23323	R501-17	AMD	01/16/2001	2000-23/39
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Natural Resources, Wildlife Resources	23358	R657-17	AMD	01/16/2001	2000-24/51
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<u>IMPORT RESTRICTIONS</u>					
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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
	23753	R414-304	AMD	07/06/2001	2001-11/62
	23452	R414-310	REP	04/04/2001	2001-4/13
<u>INCOME ELIGIBILITY</u>					
Community and Economic Development, Community Development, Community Services	23688	R202-203	NSC	05/01/2001	Not Printed
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	23703	R420-1	AMD	06/25/2001	2001-10/19
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	23164	R317-1-3	CPR	01/23/2001	2000-24/74
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	23729	R70-950	5YR	05/03/2001	2001-11/116
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	23932	R313-12	5YR	07/23/2001	2001-16/53
	23934	R313-16	5YR	07/23/2001	2001-16/54
	23936	R313-18	5YR	07/23/2001	2001-16/55
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Insurance, Administration	23582	R590-144	5YR	03/30/2001	2001-8/88
	23583	R590-144	NSC	05/01/2001	Not Printed
	23598	R590-146	AMD	05/23/2001	2001-8/65
	23713	R590-177	5YR	04/30/2001	2001-10/91
<u>INSURANCE BENEFITS</u>					
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Insurance, Administration	23560	R590-208	NEW	06/12/2001	2001-7/20
<u>INSURANCE LAW</u>					
Insurance, Administration	23904	R590-136	5YR	07/13/2001	2001-15/53
	22923	R590-200	NEW	see CPR (First)	2000-13/51
	22923	R590-200	CPR (First)	see CPR (Second)	2000-19/159
	22923	R590-200	CPR (Second)	see CPR (Third)	2000-23/60
	22923	R590-200	CPR (Third)	04/30/2001	2001-3/84

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<u>INSURANCE LAW PRIVACY</u>					
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	23864	R590-210	EMR	07/01/2001	2001-14/70
<u>INTERNET ACCESS</u>					
Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed
<u>INTRASTATE DRIVER LICENSE WAIVERS</u>					
Public Safety, Driver License	23597	R708-34	AMD	05/16/2001	2001-8/74
<u>INVESTIGATIONS</u>					
Public Safety, Peace Officer Standards and Training	23629	R728-409	NSC	05/01/2001	Not Printed
<u>IRON AND MANGANESE CONTROL</u>					
Environmental Quality, Drinking Water	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
<u>JOB DESCRIPTION</u>					
Human Resource Management, Administration	23772	R477-4	AMD	07/03/2001	2001-11/85
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Workforce Services, Workforce Information and Payment Services	23525	R994-406-304	AMD	04/05/2001	2001-5/28
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Education, Administration	23670	R277-709	AMD	06/05/2001	2001-9/19
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Labor Commission, Antidiscrimination and Labor, Labor	23861	R610-1-3	NSC	07/05/2001	Not Printed
<u>LAND EXCHANGE</u>					
Natural Resources, Forestry, Fire and State Lands	23941	R652-80	5YR	07/23/2001	2001-16/59
<u>LAND MANAGER</u>					
Environmental Quality, Air Quality	23139	R307-204	NEW	see CPR	2000-19/14
	23139	R307-204	CPR	03/06/2001	2001-3/81
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Natural Resources, Wildlife Resources	23675	R657-43	AMD	06/04/2001	2001-9/119
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Human Services, Aging and Adult Services	23453	R510-1	5YR	01/23/2001	2001-4/62
	23538	R510-1	AMD	04/17/2001	2001-6/45
	23822	R510-1	5YR	06/04/2001	2001-13/86
Public Safety, Fire Marshal	23340	R710-9	AMD	01/16/2001	2000-24/64
<u>LAW ENFORCEMENT</u>					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23447	R724-7 (Changed to R722-320)	NSC	02/01/2001	Not Printed

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	23629	R728-409	NSC	05/01/2001	Not Printed
<u>LAW ENFORCEMENT OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	23630	R728-500	NSC	05/01/2001	Not Printed
<u>LEAVE</u>					
Human Resource Management, Administration	23775	R477-8	AMD	07/03/2001	2001-11/90
<u>LIBRARIES</u>					
Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed
<u>LICENSE</u>					
Environmental Quality, Radiation Control	23312	R313-19	AMD	01/26/2001	2000-23/19
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23448	R724-9 (Changed to R722-330)	NSC	02/01/2001	Not Printed
	23449	R724-10 (Changed to R722-310)	NSC	02/01/2001	Not Printed
<u>LICENSE PLATES</u>					
Tax Commission, Motor Vehicle	23718	R873-22M-35	AMD	07/04/2001	2001-10/48
<u>LICENSING</u>					
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	23295	R156-1-308d	AMD	01/04/2001	2000-23/9
	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
	23797	R156-5a	AMD	07/17/2001	2001-12/24
	23796	R156-9a	NEW	07/17/2001	2001-12/25
	23260	R156-11a	AMD	see CPR	2000-22/5
	23260	R156-11a	CPR	03/06/2001	2001-3/79
	23566	R156-16a	AMD	05/17/2001	2001-8/16
	23695	R156-17a	5YR	04/26/2001	2001-10/89
	23296	R156-26a	AMD	01/04/2001	2000-23/11
	23309	R156-28	AMD	see CPR	2000-23/15
	23309	R156-28	CPR	03/08/2001	2001-3/80
	23401	R156-37-502	NSC	02/01/2001	Not Printed
	23799	R156-38	AMD	07/17/2001	2001-12/26
	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

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	23602	R156-54-302b	NSC	05/01/2001	Not Printed
	23374	R156-55b	AMD	04/30/2001	2001-1/4
	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
	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
	23679	R156-60c	AMD	06/19/2001	2001-10/11
	23838	R156-60d	5YR	06/11/2001	2001-13/86
	23632	R156-61	AMD	06/01/2001	2001-9/16
	23925	R156-67	5YR	07/19/2001	2001-16/51
	23736	R156-68-305	AMD	07/05/2001	2001-11/5
	23141	R156-69	AMD	see CPR	2000-10/10
	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
Commerce, Occupational and Professional Licensing (Changed to Commerce, Administration)	23859	R156-66 (Changed to R151-33)	EMR	07/01/2001	2001-14/54
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
	23936	R313-18	5YR	07/23/2001	2001-16/55
Human Services, Administration, Administrative Services, Licensing	23121	R501-7	AMD	see CPR	2000-18/65
	23121	R501-7	CPR	01/16/2001	2000-23/59
	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
	23783	R501-14	5YR	05/18/2001	2001-12/73
	23323	R501-17	AMD	01/16/2001	2000-23/39
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Public Safety, Driver License	23957	R708-18	5YR	07/30/2001	2001-16/59
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Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23740	R674-3	EXD	05/07/2001	2001-11/121
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Commerce, Occupational and Professional Licensing	23799	R156-38	AMD	07/17/2001	2001-12/26
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	23880	R710-6	5YR	07/05/2001	2001-15/55
<u>LOAN PROGRAM</u>					
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	23377	R203-1	CPR	06/15/2001	2001-4/52
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<u>LOSS RECOVERY</u>					
Transportation, Administration	23623	R907-63-1	NSC	05/01/2001	Not Printed
<u>MAMMOGRAPHY</u>					
Health, Health Systems Improvement, Health Facility Licensure (Changed to Health Systems Improvement, Licensing)	23563	R432-950	NSC	04/01/2001	Not Printed
<u>MANAGEMENT</u>					
Natural Resources; Forestry, Fire and State Lands	23940	R652-41	5YR	07/23/2001	2001-16/58
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Commerce, Occupational and Professional Licensing	23535	R156-47b	5YR	02/26/2001	2001-6/49
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Health, Health Care Financing, Coverage and Reimbursement Policy	23347	R414-63	NEW	01/17/2001	2000-24/23
	23551	R414-63	AMD	05/07/2001	2001-7/17
	23421	R414-304	AMD	03/13/2001	2001-3/56
	23398	R414-305	EMR	01/03/2001	2001-3/91
	23422	R414-305	AMD	03/13/2001	2001-3/60
	23754	R414-305	AMD	07/06/2001	2001-11/72
	23802	R414-501	AMD	07/18/2001	2001-12/40
	23803	R414-502	AMD	07/18/2001	2001-12/43
	23804	R414-503	AMD	07/18/2001	2001-12/46
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	23701	R420-1	EMR	05/01/2001	2001-10/85

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	23887	R527-936	5YR	07/10/2001	2001-15/53
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Labor Commission, Industrial Accidents	23463	R612-2-3	NSC	02/15/2001	Not Printed
	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
	23549	R612-2-5	AMD	05/03/2001	2001-7/21
	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
<u>MEDICAL RECORDS</u>					
Corrections, Administration	23313	R251-102	AMD	01/04/2001	2000-23/18
	23511	R251-102	5YR	02/05/2001	2001-5/40
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Commerce, Occupational and Professional Licensing	23679	R156-60c	AMD	06/19/2001	2001-10/11
Corrections, Administration	23568	R251-109	5YR	03/27/2001	2001-8/86
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<u>MIDWIFERY</u>					
Commerce, Occupational and Professional Licensing	23734	R156-44a	AMD	07/05/2001	2001-11/3
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Labor Commission, Antidiscrimination and Labor, Labor	23861	R610-1-3	NSC	07/05/2001	Not Printed
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<u>NOISE CONTROL</u>					
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	23295	R156-1-308d	AMD	01/04/2001	2000-23/9
	23839	R156-46b	5YR	06/11/2001	2001-13/85
	23374	R156-55b	AMD	04/30/2001	2001-1/4
	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
<u>OFF-HIGHWAY VEHICLES</u>					
Natural Resources, Parks and Recreation	23707	R651-401	AMD	06/15/2001	2001-10/37
	23708	R651-403	AMD	06/15/2001	2001-10/38
	23709	R651-404	AMD	06/15/2001	2001-10/39
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Natural Resources; Oil, Gas and Mining; Oil and Gas	23304	R649-4	NEW	01/03/2001	2001-23/43
	23927	R649-10	5YR	07/19/2001	2001-16/56
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	23822	R510-1	5YR	06/04/2001	2001-13/86
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	23757	R307-110-33	AMD	08/02/2001	2001-11/19
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Natural Resources, Parks and Recreation	23423	R651-601	AMD	03/06/2001	2001-3/62
	23710	R651-601	AMD	06/15/2001	2001-10/40
	23711	R651-603	AMD	06/15/2001	2001-10/41
	23424	R651-608-2	AMD	03/06/2001	2001-3/63
	23712	R651-620	AMD	06/15/2001	2001-10/42
	23654	R651-635	NEW	06/11/2001	2001-9/99
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	23933	R313-14	5YR	07/23/2001	2001-16/53
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	23809	R657-42-8	AMD	07/18/2001	2001-12/70
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	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
	23847	R884-24P-66	AMD	08/02/2001	2001-13/77
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	23774	R477-7	AMD	07/03/2001	2001-11/87
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<u>PHYSICIANS</u>					
Commerce, Occupational and Professional Licensing	23925	R156-67	5YR	07/19/2001	2001-16/51
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Public Service Commission, Administration	23705	R746-409	AMD	06/28/2001	2001-10/42
<u>PLANNING</u>					
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<u>PLANT DISEASES</u>					
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<u>PLUMBERS</u>					
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<u>PLUMBING</u>					
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<u>PODIATRIST</u>					
Commerce, Occupational and Professional Licensing	23797	R156-5a	AMD	07/17/2001	2001-12/24
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<u>POST CONVICTION</u>					
Administrative Services, Finance	23366	R25-14	AMD	01/22/2001	2000-24/5
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<u>PRICE INDEXES</u>					
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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
	23903	R251-712	5YR	07/12/2001	2001-15/49
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<u>PRIVATE PROBATION PROVIDER</u>					
Commerce, Occupational and Professional Licensing	23696	R156-50	5YR	04/26/2001	2001-10/90
<u>PROBATION</u>					
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	23328	R746-340	AMD	see CPR	2000-23/49
	23328	R746-340	CPR	03/26/2001	2001-4/56
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	23546	R277-514	NSC	04/01/2001	Not Printed
	23855	R277-526	AMD	08/01/2001	2001-13/13
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<u>PROFESSIONAL ENGINEERS</u>					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
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	23517	R156-22	CPR	05/17/2001	2001-8/81
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	23943	R414-306	EMR	07/26/2001	2001-16/46
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	23545	R65-4	5YR	03/06/2001	2001-7/46
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	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
	23847	R884-24P-66	AMD	08/02/2001	2001-13/77
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Environmental Quality, Air Quality	23760	R307-405-1	AMD	07/12/2001	2001-11/21
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<u>PUBLIC INFORMATION</u>					
Human Resource Management, Administration	23771	R477-2	AMD	07/03/2001	2001-11/82
Transportation, Administration	23634	R907-40	NSC	05/01/2001	Not Printed
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	23519	R223-2	NSC	02/23/2001	Not Printed
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	23530	R657-39	AMD	04/03/2001	2001-5/20
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	23232	R746-352	NEW	see CPR (First)	2000-21/26
	23232	R746-352	CPR (First)	see CPR (Second)	2001-5/32
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	23653	R70-101-14	NSC	06/01/2001	Not Printed
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	23926	R645-106	5YR	07/19/2001	2001-16/56
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	23536	R933-4	AMD	04/18/2001	2001-6/45
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Natural Resources, Wildlife Resources	23455	R657-27	AMD	03/26/2001	2001-4/39
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Public Service Commission, Administration	23376	R746-341	AMD	03/01/2001	2001-1/30
	23705	R746-409	AMD	06/28/2001	2001-10/42
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	23516	R614-1-4	NSC	02/22/2001	Not Printed
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<u>SAFETY REGULATION</u>					
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	23740	R674-3	EXD	05/07/2001	2001-11/121
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	23651	R315-316	AMD	07/01/2001	2001-9/89
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	23782	R765-649	AMD	07/17/2001	2001-12/71
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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
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	23547	R686-100	NSC	04/01/2001	Not Printed
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	23232	R746-352	NEW	see CPR (First)	2000-21/26
	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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Public Service Commission, Administration	23354	R746-240	AMD	02/15/2001	2000-24/67
	23376	R746-341	AMD	03/01/2001	2001-1/30
<u>TELEPHONE UTILITY REGULATION</u>					
Public Service Commission, Administration	23328	R746-340	AMD	see CPR	2000-23/49
	23328	R746-340	CPR	03/27/2001	2001-4/56
<u>TERMS OF OFFICE</u>					
Natural Resources, Wildlife Resources	23529	R657-39	5YR	02/15/2001	2001-5/41
	23530	R657-39	AMD	04/03/2001	2001-5/20
<u>THERAPISTS</u>					
Commerce, Occupational and Professional Licensing	23620	R156-60b	AMD	06/01/2001	2001-9/13
<u>TICKETS</u>					
Administrative Services, Fleet Operation	23345	R27-7	NEW	01/31/2001	2000-24/6
<u>TIME</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	23515	R606-1-3	AMD	04/03/2001	2001-5/17
Labor Commission, Antidiscrimination and Labor, Labor	23861	R610-1-3	NSC	07/05/2001	Not Printed
Labor Commission, Industrial Accidents	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
<u>TIRES</u>					
Transportation, Operations, Traffic and Safety	23610	R920-6	NSC	05/01/2001	Not Printed
<u>TOWING</u>					
Transportation, Motor Carrier	23565	R909-4	NSC	04/01/2001	Not Printed
<u>TRAFFIC CONTROL</u>					
Transportation, Operations, Traffic and Safety	23635	R920-2	NSC	05/01/2001	Not Printed
<u>TRAFFIC SAFETY</u>					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed
<u>TRAFFIC SIGNS</u>					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed
<u>TRAFFIC VIOLATIONS</u>					
Public Safety, Driver License	23402	R708-3	AMD	03/06/2001	2001-3/75
	23514	R708-3	NSC	02/22/2001	Not Printed
<u>TRAINING</u>					
Corrections, Administration	23512	R251-301	5YR	02/05/2001	2001-5/40
	23400	R251-301	AMD	03/13/2001	2001-3/8

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Workforce Services, Employment Development	23723	R986-601	REP	07/01/2001	2001-10/57
	23724	R986-602	REP	07/01/2001	2001-10/67
	23725	R986-603	REP	07/01/2001	2001-10/75
<u>TRANSPORTATION</u>					
Administrative Services, Finance	23699	R25-7	AMD	07/01/2001	2001-10/5
Environmental Quality, Radiation Control	23312	R313-19	AMD	01/26/2001	2000-23/19
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/001	2001-4/44
Transportation, Program Development	23614	R926-5	NSC	05/01/2001	Not Printed
	23311	R926-6	AMD	01/03/2001	2000-23/55
<u>TRANSPORTATION CORRIDOR PRESERVATION REVOLVING LOAN FUND</u>					
Transportation, Program Development	23311	R926-6	AMD	01/03/2001	2000-23/55
<u>TRANSPORTATION PLANNING</u>					
Transportation, Program Development	23612	R926-2	NSC	05/01/2001	Not Printed
	23311	R926-6	AMD	01/03/2001	2000-23/55
<u>TRANSPORTATION POLICY</u>					
Transportation, Program Development	23613	R926-3	NSC	05/01/2001	Not Printed
<u>TRANSPORTATION SAFETY</u>					
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/2001	2001-4/44
	23573	R909-1	NSC	04/01/2001	Not Printed
	23590	R909-1	NSC	05/01/2001	Not Printed
<u>TRUCKING INDUSTRIES</u>					
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
<u>TRUCKS</u>					
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/2001	2001-4/44
	23573	R909-1	NSC	04/01/2001	Not Printed
	23590	R909-1	NSC	05/01/2001	Not Printed
	23565	R909-4	NSC	04/01/2001	Not Printed
	23625	R912-16	NSC	05/01/2001	Not Printed
<u>TUBERCULOSIS</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	23303	R388-804	AMD	02/02/2001	2000-23/29
<u>UMAP (Utah Medical Assistance Program)</u>					
Health, Health Care Financing, Converge and Reimbursement Policy	23349	R414-309	AMD	01/17/2001	2000-24/24
	23700	R414-309	EMR	05/01/2001	2001-10/82
	23702	R414-309	AMD	06/25/2001	2001-10/15
Health, Health Care Financing, Medical Assistance Program	23351	R420-1	AMD	01/23/2001	2000-24/28
	23701	R420-1	EMR	05/01/2001	2001-10/85
	23703	R420-1	AMD	06/25/2001	2001-10/19

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<u>UNDERCOVER IDENTIFICATION</u>					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23447	R724-7 (Changed to R722-320)	NSC	02/01/2001	Not Printed
<u>UNDERGROUND INJECTION CONTROL</u>					
Environmental Quality, Water Quality	23162	R317-7	AMD	see CPR	2000-19/34
	23162	R317-7	CPR	01/23/2001	2000-24/75
<u>UNEMPLOYED WORKERS</u>					
Workforce Services, Employment Development	23724	R986-602	REP	07/01/2001	2001-10/67
	23725	R986-603	REP	07/01/2001	2001-10/75
<u>UNEMPLOYMENT</u>					
Workforce Services, Employment Development	23723	R986-601	REP	07/01/2001	2001-10/57
	23724	R986-602	REP	07/01/2001	2001-10/67
	23725	R986-603	REP	07/01/2001	2001-10/75
<u>UNEMPLOYMENT COMPENSATION</u>					
Workforce Services, Workforce Information and Payment Services	23744	R994-302	5YR	05/11/2001	2001-11/119
	23745	R994-308	5YR	05/11/2001	2001-11/120
	23525	R994-406-304	AMD	04/05/2001	2001-5/28
<u>UNITS</u>					
Environmental Quality, Radiation Control	23667	R313-12	AMD	06/08/2001	2001-9/54
	23932	R313-12	5YR	07/23/2001	2001-16/53
<u>UNIVERSAL SERVICE</u>					
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<u>UPSCCC (Utah Pioneer Sesquicentennial Celebration Coordinating Council)</u>					
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23739	R674-1	EXD	05/07/2001	2001-11/121
	23742	R674-2	EXD	05/09/2001	2001-11/121
	23740	R674-3	EXD	05/07/2001	2001-11/121
<u>USER TAX</u>					
Tax Commission, Auditing	23572	R865-21U	5YR	03/27/2001	2001-8/88
	23553	R865-21U-6	NSC	04/01/2001	Not Printed
<u>UTILITY RULES</u>					
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	23443	R930-6	NSC	02/12/2001	Not Printed
<u>UTILITY SERVICE SHUTOFF</u>					
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	23309	R156-28	CPR	03/08/2001	2001-3/80
<u>VICTIM COMPENSATION</u>					
Crime Victim Reparations, Administration	23527	R270-1	AMD	04/03/2001	2001-5/11
<u>VICTIMS OF CRIMES</u>					
Crime Victim Reparations, Administration	23527	R270-1	AMD	04/03/2001	2001-5/11
<u>VIOLATIONS</u>					
Environmental Quality, Radiation Control	23668	R313-14	AMD	06/08/2001	2001-9/55
	23933	R313-14	5YR	07/23/2001	2001-16/53
<u>VITAL STATISTICS</u>					
Health, Center for Health Data, Vital Records and Statistics	23681	R436-11	NSC	05/01/2001	Not Printed
<u>WAGES</u>					
Labor Commission, Antidiscrimination and Labor, Labor	23861	R610-1-3	NSC	07/05/2001	Not Printed
<u>WASTE DISPOSAL</u>					
Environmental Quality, Solid and Hazardous Waste	23638	R315-301-2	AMD	07/01/2001	2001-9/60
	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
	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
	23651	R315-316	AMD	07/01/2001	2001-9/89
	23652	R315-320	AMD	07/01/2001	2001-9/91
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/74
	23161	R317-8	AMD	see CPR	2000-19/40
	23161	R317-8	CPR	01/23/2001	2000-24/78
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Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
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	23162	R317-7	CPR	01/23/2001	2000-24/75
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Environmental Quality, Drinking Water	23663	R309-102	5YR	04/16/2001	2001-9/140
<u>WATER SYSTEM RATING</u>					
Environmental Quality, Drinking Water	23252	R309-150	AMD	01/04/2001	2000-22/33
<u>WELFARE FRAUD</u>					
Human Services, Recovery Services	23733	R527-200	5YR	05/07/2001	2001-11/118
	23929	R527-800	5YR	07/23/2001	2001-16/55
<u>WILDLAND FIRE FUND</u>					
Natural Resources; Forestry, Fire and State Lands	23425	R652-121	AMD	03/12/2001	2001-3/64
<u>WILDLIFE</u>					
Natural Resources, Wildlife Resources	23673	R657-3	5YR	04/16/2001	2001-9/143
	23356	R657-5	AMD	01/16/2001	2000-24/40
	23528	R657-5	AMD	04/03/2001	2001-5/19
	23806	R657-5	AMD	07/18/2001	2001-12/63
	23189	R657-13	AMD	01/02/2001	2000-21/23
	23358	R657-17	AMD	01/16/2001	2000-24/51
	23810	R657-23	5YR	05/30/2001	2001-12/74
	23807	R657-23	AMD	07/18/2001	2001-12/66
	23455	R657-27	AMD	03/26/2001	2001-4/39
	23393	R657-33	AMD	02/15/2001	2001-2/8
	23808	R657-37	AMD	07/18/2001	2001-12/67
	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
	23809	R657-42-8	AMD	07/18/2001	2001-12/70
	23675	R657-43	AMD	06/04/2001	2001-9/119
	23676	R657-44	AMD	06/04/2001	2001-9/122
<u>WILDLIFE LAW</u>					
Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
	23455	R657-27	AMD	03/26/2001	2001-4/39
<u>WILDLIFE PERMITS</u>					
Natural Resources, Wildlife Resources	23362	R657-41	AMD	01/16/2001	2000-24/56
<u>WORKERS' COMPENSATION</u>					
Labor Commission, Industrial Accidents	23462	R612-1-3	NSC	02/15/2001	Not Printed
	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
	23463	R612-2-3	NSC	02/15/2001	Not Printed

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	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
	23468	R612-2-17	NSC	02/15/2001	Not Printed
	23469	R612-2-22	AMD	03/20/2001	2001-4/33
	23470	R612-2-23	NSC	02/15/2001	Not Printed
	23471	R612-2-24	AMD	03/20/2001	2001-4/34
	23472	R612-2-26	NSC	02/15/2001	Not Printed
	23520	R612-4	5YR	02/08/2001	2001-5/41
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Workforce Services, Employment Development	23722	R986-600	NEW	07/01/2001	2001-10/50
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<u>X-RAY</u>					
Environmental Quality, Radiation Control	23934	R313-16	5YR	07/23/2001	2001-16/54
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	23406	R501-8	NSC	02/01/2001	Not Printed
<u>ZOOLOGICAL ANIMALS</u>					
Natural Resources, Wildlife Resources	23673	R657-3	5YR	04/16/2001	2001-9/143