

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed August 16, 2005, 12:00 a.m. through September 1, 2005, 11:59 p.m.

Number 2005-18
September 15, 2005

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

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

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, 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.utah.gov/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

Unless otherwise noted, all information presented in this publication is in the Public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

1. SPECIAL NOTICES

Governor, Administration: Governor's Declaration: Declaration of Agricultural Disaster	1
Governor, Administration: Governor's Executive Order 2005-0016: Wildland Fire Management.....	1
Governor, Administration: Governor's Executive Order 2005-0017: Declaring a State of Emergency to Provide Relief to Displaced Victims from Hurricane Katrina.....	2

2. NOTICES OF PROPOSED RULES

Administrative Services

Facilities Construction and Management No. 28163 (Amendment): R23-1-60. Construction Contract Clauses	5
--	---

Alcoholic Beverage Control

Administration No. 28175 (Amendment): R81-2-8. Accepting Checks as Payment for Liquor	6
--	---

Commerce

Consumer Protection No. 28179 (Amendment): R152-23. Utah Health Spa Services	7
No. 28178 (Repeal): R152-30. Utah Personal Introduction Services Protection Act	8
No. 28177 (Amendment): R152-34. Postsecondary Proprietary School Act Rules	10
Occupational and Professional Licensing No. 28176 (Amendment): R156-41-502. Unprofessional Conduct	13
No. 28164 (Amendment): R156-55a-503. Administrative Penalties	14
No. 28166 (Amendment): R156-55d-503. Administrative Penalties	16
Real Estate No. 28173 (Amendment): R162-9-1. Objective and Specific Hour Requirements	17

Health

Health Systems Improvement, Primary Care and Rural Health No. 28182 (New Rule): R434-50. Assistance for People with Bleeding Disorders	18
No. 28181 (New Rule): R434-100. Physician Visa Waivers	19

Human Resource Management

Administration No. 28192 (Amendment): R477-7. Leave	21
--	----

Human Services

Administration, Administrative Services, Licensing No. 28167 (Amendment): R501-1. General Provisions.....	25
--	----

TABLE OF CONTENTS

No. 28185 (New Rule): R501-4. Certified Local Inspectors30

No. 28191 (New Rule): R501-14. Background Screening33

Aging and Adult Services

No. 28190 (Amendment): R510-401. Utah Caregiver Support Program37

Insurance

Administration

No. 28174 (Amendment): R590-102. Insurance Department Fee Payment Rule.....40

Natural Resources

Parks and Recreation

No. 28162 (Amendment): R651-222-5. Muffler Bypass or Alteration Prohibited45

No. 28169 (Amendment): R651-611. Fee Schedule46

Wildlife Resources

No. 28187 (Amendment): R657-9. Taking Waterfowl, Common Snipe and Coot.....49

No. 28188 (Amendment): R657-10. Taking Cougar52

No. 28189 (Amendment): R657-11. Taking Furbearers58

Public Safety

Driver License

No. 28165 (Amendment): R708-18. Regulatory and Administrative Fees60

Fire Marshal

No. 28171 (Amendment): R710-6. Liquefied Petroleum Gas Rules61

School and Institutional Trust Lands

Administration

No. 28186 (Amendment): R850-11. Procurement63

Tax Commission

Auditing

No. 28183 (Amendment): R865-19S-78. Charges for Labor to Repair or Renovate Tangible
Personal Property Pursuant to Utah Code Ann. Section 59-12-10366

Motor Vehicle

No. 28184 (Amendment): R873-22M-34. Rule for Denial of Personalized Plate Requests
Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-41167

3. NOTICES OF CHANGES IN PROPOSED RULES

Health

Community and Family Health Services, Children with Special Health Care Needs

No. 28074: R398-1. Newborn Screening.....70

4. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Commerce

Occupational and Professional Licensing
 No. 28193: R156-63. Security Personnel Licensing Act Rules 72

Natural Resources

Wildlife Resources
 No. 28168: R657-11. Taking Furbearers 73

Workforce Services

Workforce Information and Payment Services
 No. 28170: R994-207. Unemployment 73

5. NOTICES OF RULE EFFECTIVE DATES 75

6. RULES INDEX 77

SPECIAL NOTICES

Governor's Declaration: Declaration of Agricultural Disaster

Declaration of Agricultural Disaster

WHEREAS, lightning strikes in Washington County caused numerous range fires from June 26, 2005 to August 1, 2005;

WHEREAS, according to the United States Department of Agriculture those fires damaged or destroyed more than 6,200 Animal Unit Months (AUM's) which is a calculation of the grazing value of public lands;

WHEREAS, such fires have inflicted significant monetary damage to 30 livestock owners who rely on those AUM's to support their livestock businesses;

WHEREAS, those 30 ranchers sustained losses greater than 30 percent, and in some cases, losses reached 80 to 99 percent; and

WHEREAS, the monetary value of those losses is calculated to be more than \$500,000;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the power vested in me by the Constitution and the laws of the State of Utah do hereby declare an "Agricultural Disaster" for Washington County due to the aforesaid fires in the State of Utah.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 26th day of August, 2005.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

Governor's Executive Order 2005-0016: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

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

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;

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

WHEREAS, immediate action is required to suppress the fires and mitigate post-burn flash floods to protect public safety, property, natural resources and the environment;

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

NOW, THEREFORE, I, Jon M. Huntsman, Jr., 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 September 10, 2005, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 10th day of September, 2005.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

2005-0016

Governor's Executive Order 2005-0017: Declaring a State of Emergency to Provide Relief to Displaced Victims from Hurricane Katrina

EXECUTIVE ORDER

Declaring a State of Emergency to Provide Relief to Displaced Victims from Hurricane Katrina

WHEREAS, on August 29, 2005, hurricane Katrina made landfall as a Category 4 hurricane in the Gulf Coast area of the United States;

WHEREAS, the hurricane made landfall with damaging winds over 145 miles per hour;

WHEREAS, the hurricane generated torrential rainfall and a measured storm surge of over twenty feet;

WHEREAS, substantial catastrophic flooding and wind damage occurred in the states of Louisiana, Mississippi, and Florida;

WHEREAS, 80% of the city of New Orleans is under water with some areas inaccessible and storm breached canals and dikes continue to let water outflow into unprotected areas of New Orleans;

WHEREAS, tens of thousands of homeless victims of the hurricane needing shelter and food and water;

WHEREAS, the State of Utah desires to expend local resources to accommodate up to 2000 of these hurricane Katrina disrupted and now homeless evacuees;

WHEREAS, the State of Utah has activated and deployed National Guard resources to the disaster affected area;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., 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 impact of hurricane Katrina, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 3rd day of September, 2005.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

2005-0017

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 August 16, 2005, 12:00 a.m., and September 1, 2005, 11:59 p.m. are included in this, the September 15, 2005, 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 each rule that is 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 October 17, 2005. 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 January 13, 2006, 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
R23-1-60
Construction Contract Clauses**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28163

FILED: 08/18/2005, 13:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendment is to replace the standard construction contract clauses that are incorporated into the rule.

SUMMARY OF THE RULE OR CHANGE: The amendment adopts a new version of standard clauses that are used in construction contracts issued by the Division of Facilities Construction and Management (DFCM). This is done by incorporating by reference a document that is available at DFCM's web site and office due to the volume of this text and the confusion that would result if these clauses were placed in rule format. The more significant changes that were made to the standard clauses that were previously adopted by rule include: 1) a more complete description and requirements for modifying the contract and the costs that may be included in a change order, and 2) inclusion of standard clauses that are unique to Construction Manager/General Contractor and Design/Build agreements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-56-601 and Subsections 63-56-208(2) and 63A-5-103(1)(e)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Division of Facilities Construction and Management Required Contract Clauses Dated May 25, 2005

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** A limited amount of cost avoidance is anticipated due to the clarifications made regarding costs that may be included in a change order. This primarily involves time extensions under circumstances that do not apply to most projects. As a result, it is not possible to estimate the impact. The clarifications in the contract language may also result in small savings in construction bids resulting from contractors being more comfortable with the requirements they must meet.

❖ **LOCAL GOVERNMENTS:** The rule being amended only applies to construction procured by DFCM and has nothing to do with local government. As a result, there is no impact on local government.

❖ **OTHER PERSONS:** The only other persons affected by the amendment are construction contractors. The clarified language will allow them to better understand the requirements of the contract as they prepare their bids. This reduces their risks which may reduce their potential of incurring losses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The revised contract language does not change compliance costs except as noted under "Other persons" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The revised contract language will help construction contractors better understand their obligations when doing construction for the state. This reduces the level of risks they have to consider when preparing their cost proposals and reduces their risk of incurring unexpected costs. D'Arcy Dixon Pignanelli, Executive Director

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

ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
Room 4110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, 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@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Keith Stepan, Director

R23. Administrative Services, Facilities Construction and Management.

R23-1. Procurement of Construction.

R23-1-60. Construction Contract Clauses.

(1) Required Contract Clauses. Pursuant to Section ~~[63-56-40]~~[63-56-601], the document entitled "Required Construction Contract Clauses", ~~[dated January 28, 2002]~~Dated May 25, 2005, and on file with the Division, is hereby incorporated by reference. Except as provided in Subsections R23-1-30(7) and R23-1-60(2), the Division shall include these clauses in all construction contracts ~~[for more than \$50,000]~~.

(2) Revisions to Contract Clauses. The clauses required by this section may be modified for use in any particular contract when, pursuant to Subsection ~~[63-56-40(5)]~~[63-56-601(5)], the Director makes a written determination describing the circumstances justifying the variation or variations. Notice of any material variations from the contract clauses required by this section shall be included in any invitation for bids or request for proposals. Examples of changes that are not material variations include, but are not limited to, the following: grammatical corrections; corrections made that resolve conflicts in favor of the intent of the document as a whole; and changes that reflect State law or rule and applicable court case law.

KEY: contracts, public buildings, procurement

~~[March 15,]2005~~

Notice of Continuation June 6, 2002

63-56-14(2)

63A-5-103 et seq.

63-56-20(7)

▼ ————— ▼

Alcoholic Beverage Control, Administration

R81-2-8

Accepting Checks as Payment for Liquor

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28175

FILED: 08/26/2005, 15:09

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment is being proposed to update the Department of Alcohol Beverage Control's (DABC) personal check cashing policy in state liquor stores.

SUMMARY OF THE RULE OR CHANGE: Telecheck, the company that contracts with DABC to process checks written for the purchase of alcoholic beverages at state liquor stores, previously would not guarantee payment of personal checks over \$400. Telecheck has now eliminated the maximum limit and will guarantee checks of virtually any amount. This proposed rule amendment, therefore, deletes the provision that limits the amount of personal checks to \$400.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32A-1-107

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** For their check guarantee services, Telecheck is paid an agreed upon percentage of the total dollar sum of checks written to the department. It is anticipated that many members of the general public will write checks of over \$400 and, therefore, the cost of this service will likely increase. However, the amount of that increase is difficult to estimate since no one can predict how many customers will write checks for larger purchases in the future.
- ❖ **LOCAL GOVERNMENTS:** None--This proposed rule amendment affects state-operated liquor stores and will have no fiscal impact on local governments.
- ❖ **OTHER PERSONS:** None--There will be no additional costs passed on to customers who choose to write checks in excess of \$400 when making purchases of alcoholic beverages.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule amendment simply eliminates the \$400 personal check limit previously enforced in state liquor stores. It involves no compliance costs to the general public.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Most liquor purchases do not exceed \$400. However, there are times when an individual or business needs to make a large liquor purchase, i.e., weddings, parties, etc. At these times, the \$400 check limit has proved to be a frustrating inconvenience for these customers who were forced to either use a credit card or carry a large sum of cash. State liquor stores, though owned and operated by the State of Utah, must be run like any other business where customers are valued and their needs honored. Eliminating the \$400 personal check limit will be a welcome improvement for both business and private customers of our State's liquor stores. Kenneth F. Wynn, Director

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY UT 84104-1630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sharon Mackay at the above address, by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at smackay@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Kenneth F. Wynn, Director

R81. Alcoholic Beverage Control, Administration.

R81-2. State Stores.

R81-2-8. Accepting Checks as Payment for Liquor.

(1) A state liquor store may accept a check as payment for liquor from an individual customer only under the following conditions:

- (a) The check may be drawn only on a United States, Canadian, Puerto Rican, or U.S. Virgin Islands financial institution.
- (b) The following must appear on the check:
 - (i) name (must be imprinted);
 - (ii) address (if post office box, the full address must be written in); and
 - (iii) telephone number (may be hand-written).
- (c) The check must be made out to the Department of Alcoholic Beverage Control, or D.A.B.C. (no two-party checks).
- (d) The check must be made out for the exact amount of the purchase ~~and all checks from the individual may not exceed \$400 per day~~.
- (e) An acceptable form of identification is required for any check written over \$50.00, and may be required at the discretion of the cashier or store manager for any check written under \$50.00. Acceptable forms of identification include those listed in R81-2-4.

(2) A state liquor store may accept a check as payment for liquor from a licensee only under the following conditions:

(a) The check must be imprinted with the name of the licensee's business, its business address, and its telephone number.

(b) The check must be made out to the Department of Alcoholic Beverage Control, or D.A.B.C. (no two-party checks).

(c) The check must be made out for the exact amount of the purchase.

(3) A state liquor store may accept a business or company check as payment for liquor only under the following conditions:

(a) The check may be drawn only on a United States, Canadian, Puerto Rican, or U.S. Virgin Islands financial institution.

(b) The check must be imprinted with the name of the business or company, its business address, and its telephone number.

(c) The check must be made out to the Department of Alcoholic Beverage Control, or D.A.B.C. (no two-party checks).

(d) The check must be made out for the exact amount of the purchase.

(e) Further identification is not required.

(f) The department may place a maximum limit on the total dollar amount in checks a business or company may tender to the department in a 24 hour period.

(4) A state liquor store may accept a traveler's check as payment for liquor under the following conditions:

(a) Traveler's checks shall be in "US Dollars".

(b) Each traveler's check shall have been previously signed by the holder of the check at the issuing bank or company. The check shall then be signed a second time in front of the DABC store employee that is handling the sale. The store employee shall compare the two signatures to verify that the signatures match, and shall otherwise examine the check to verify its validity.

(c) Traveler's checks shall be made out to the Department of Alcoholic Beverage Control or "D.A.B.C."

(d) When accepting a traveler's check for \$50.00 or more, the store employee shall:

(i) call the issuing bank or company and receive an authorization, and authorization number; and

(ii) check the identification of the customer. Acceptable forms of identification include those listed in R81-2-4.

(e) On the upper, left hand corner of a traveler's check for \$50.00 or more, the employee shall write:

(i) the authorization number from the issuing bank or company;

(ii) the type of identification used including expiration date and individual's identification number; and

(iii) the store employee's initials.

KEY: alcoholic beverages

[August 2, 2004]2005

Notice of Continuation November 16, 2001

32A-1-107

32A-1-301 to 32A-1-305

▼ ————— ▼

Commerce, Consumer Protection
R152-23
Utah Health Spa Services

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28179

FILED: 08/29/2005, 15:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2005 general session, the Utah Legislature enacted H.B. 186.

One of the changes made by this bill was to reduce from ten miles to five miles the maximum distance from the original location to which a health spa may relocate in order to be exempt from certain requirements. This change makes the rules consistent with the recently changed statute. (DAR NOTE: H.B. 186 (2005) is found at UT L 2005 Ch 18, and was effective 03/08/2005.)

SUMMARY OF THE RULE OR CHANGE: This rule change reduces from ten miles to five miles the maximum distance from the original location to which a health spa may relocate in order to be exempt from certain requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 13-2-5(1), and Title 13, Chapter 23

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--This rule change does not affect the registration fees paid to the state by health spas.

❖ **LOCAL GOVERNMENTS:** None--Local governments are not involved in the administration or enforcement of this rule or its related statute, and should not be affected by the change.

❖ **OTHER PERSONS:** Consumers who use health spas will bear less risk that their health spas will relocate more than five miles away, decreasing their potential transportation costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Health spas that want to relocate and avoid certain legal obligations will have to relocate to a location within five miles.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change may impose an additional burden on health spas that choose to relocate, but will provide a similar benefit to patrons of those health spas. This change is mandated by H.B. 186 (2005). Francine Giani, Executive Director

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

COMMERCE

CONSUMER PROTECTION

HEBER M WELLS BLDG

160 E 300 S

SALT LAKE CITY UT 84111-2316, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Thad LeVar at the above address, by phone at 801-530-6929, by FAX at 801-530-6001, or by Internet E-mail at tleva@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Francine Giani, Director

R152. Commerce, Consumer Protection.

R152-23. Utah Health Spa Services.

R152-23-4. Registration Requirements and Contracts for Health Spa Services.

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

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

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

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

c. A current pricing structure for membership services.

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

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

f. The number of membership contracts that relate to each facility.

2. Notice of intent to sell memberships.

B. Each Membership Contract shall contain a provision, printed in all capital letters which reads substantially as follows: "IN THE EVENT THE HEALTH SPA FACILITY CLOSES AND ANOTHER HEALTH SPA FACILITY OPERATED BY THE SELLER, OR ASSIGNS OF THE SELLER, OF THIS CONTRACT IS NOT AVAILABLE WITHIN A ~~TEN (10)~~ FIVE (5) MILE RADIUS OF THE LOCATION THE MEMBER INTENDS TO PATRONIZE, SELLER WILL REFUND TO MEMBER A PRORATA SHARE OF THE MEMBERSHIP COST, BASED UPON THE UNUSED MEMBERSHIP TIME REMAINING ACCORDING TO THE CONTRACT."

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

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

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

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

G. The purchaser of a Health Spa Facility shall replace the Seller as a party to any unexpired Membership Contract and shall honor all Membership Contracts of the purchased facility in effect at the time of purchase, pursuant to Section 13-23-5(2) of the Act. In the event a Health Spa Facility shall be sold under circumstances which will result

in its closure and the purchaser shall not operate a Health Spa Facility within ~~[+0]5~~ miles thereof, purchaser must notify Members of such closure in writing within 10 days of the date of sale. Members may cancel their outstanding Membership Contracts or may choose to continue their Membership Contract in force. Notice of such election shall be in writing mailed to the purchaser within 30 days of the receipt of notice of closure of the acquired Health Spa Facility.

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

KEY: consumer protection, health spas

[July 30, 2001]

Notice of Continuation October 30, 2002

63-46a-3

13-2-5

13-23-1

▼ ————— ▼

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

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 28178

FILED: 08/29/2005, 15:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2005, through H.B. 164, the Utah Legislature repealed the Utah Personal Introduction Services Protection Act. (DAR NOTE: H.B. 164 (2005) is found at UT L 2005 Ch 70, and was effective 05/02/2005.)

SUMMARY OF THE RULE OR CHANGE: This rule change repeals the rule previously enacted by the Division of Consumer Protection in connection with the Utah Personal Introduction Services Protection Act. The rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 13, Chapter 30

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Utah will no longer receive registration fees from personal introduction services, but this change was mandated by H.B. 164 (2005).

❖ **LOCAL GOVERNMENTS:** None--Local governments were not involved in the administration or enforcement of the statute or rules, and should not be affected by the repeal.

❖ **OTHER PERSONS:** Personal introduction services no longer will be required to pay registration fees, or to post a bond.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Personal introduction services no longer will be required to pay registration fees, or to post a bond.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Utah Legislature repealed the Utah Personal Introduction Services Protection Act, eliminating registration and bond requirements for affected businesses. Francine Giani, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMERCE
 CONSUMER PROTECTION
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY UT 84111-2316, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Thad LeVar at the above address, by phone at 801-530-6929, by FAX at 801-530-6001, or by Internet E-mail at tlevar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Francine Giani, Director

R152. Commerce, Consumer Protection.

~~**R152-30. Utah Personal Introduction Services Protection Act.**~~
~~**R152-30-1. Authority.**~~

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

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

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

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

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

~~**R152-30-3. Bond, Certificate of Deposit, or Letter of Credit—Sliding Scale—Posting—Recovery Against.**~~

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

TABLE

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

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

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

(4) payment is immediately due and owing to the division when:
 (a) the director delivers a signed writing to the personal introduction service and the personal introduction service's surety or issuing institution demanding payment of a specified sum of money; and

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

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

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

~~**R152-30-4. Grounds for Denial, Suspension, or Revocation—Procedure.**~~

(1) The director may, in accordance with Title 63, Chapter 46b, Administrative Procedures Act, issue an order to deny an initial or renewal application for registration as per Section 13-30-112, and suspend or revoke a registration at anytime, if the necessity of such denial, suspension or revocation in the director's opinion is based on facts known by the division or presented to the division showing that an immediate and significant danger to the public health, safety or welfare exists, and if such threat requires immediate action by the director that such denial, suspension or revocation may issue forthwith as an emergency order, subject to the division's compliance with Section 63-46b-20.

KEY: consumer protection, personal services
December 30, 1998

Notice of Continuation December 16, 2003
13-2-5
13-30-101]



Commerce, Consumer Protection
R152-34
 Postsecondary Proprietary School Act
 Rules

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 28177
 FILED: 08/29/2005, 15:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Some of these changes are being made at the request of certain postsecondary proprietary schools, and some are being made in response to investigations that have been conducted by the Division of Consumer Protection.

SUMMARY OF THE RULE OR CHANGE: A proprietary school is allowed to collect up to four months of tuition at one time, instead of the current three months. Clarifying language is added to give guidance for compliance with audit requirements and to provide that the Division of Consumer Protection may determine the appropriate uses of any surety the division collects, that a school must maintain its surety for one year after closing, that the prohibition against collecting more than four months of tuition applies when lenders pay the school on behalf of students, and that any refunds properly due to a student must be paid within 30 calendar days. Schools are required to provide students with the student's school records within five business days after the student's request.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 13-34-106, and Subsections 13-34-107(7) and 13-34-108(3)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There should not be any costs or savings to the state budget. These changes affect compliance requirements for schools, but should not significantly alter state regulation and enforcement burdens.
- ❖ LOCAL GOVERNMENTS: Local governments are not required to either enforce or comply with these rules, so there should be no cost or savings to local governments.
- ❖ OTHER PERSONS: Proprietary schools may be able to collect an additional one month of tuition at one time. Students may have to pay an additional one month of tuition at one time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Proprietary schools may be able to collect an additional one month of tuition at one time. Students may have to pay an additional one month of tuition at one time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule increases from three months to four months the amount of advance tuition a proprietary school may collect. This change is intended to make these rules more consistent with traditional academic

calendars, which often utilize four month semesters. Francine Giani, Executive Director

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

COMMERCE
 CONSUMER PROTECTION
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY UT 84111-2316, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Thad LeVar at the above address, by phone at 801-530-6929, by FAX at 801-530-6001, or by Internet E-mail at tlevar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Francine Giani, Director

**R152. Commerce, Consumer Protection.
 R152-34. Postsecondary Proprietary School Act Rules.
 R152-34-7. Rules Relating to the Operation of Proprietary Schools under Section 13-34-107.**

(1) An authorized officer of the institution to be registered under this chapter shall sign a disclosure as to whether the institution or an owner, administrator, faculty, staff, or agent of the institution has violated laws, federal regulations or state rules as determined in a criminal, civil or administrative proceeding.

(2) The division shall refuse to register an institution when ~~the division~~:

(a) determines that the institution or an owner, administrator, faculty, staff, or agent of the institution has violated laws, federal regulations or state rules, as determined in a criminal, civil or administrative proceeding~~;~~ ~~and the division~~

(b) determines the violation(s) to be relevant to the appropriate operation of the school; and

(c) has a reasonable doubt that the institution will function in accordance with these laws and rules or provide students with an appropriate learning experience.

(3) A change in the ownership of an institution, as defined in Section 13-34-103(8), occurs when there is a merger or change in the controlling interest of the entity or if there is a transfer of more than 50 percent of the its assets within a three-year period. When this occurs the following information is submitted to the division for its review:

(a) a copy of any new articles of incorporation;

(b) a current financial statement, as outlined in section (8) below;

(c) a listing of all institutional personnel that have changed as a result of the ownership transaction, together with complete resumes and qualifications;

(d) a detailed description of any material modifications to be made in the operation of the institution; and

(e) payment of the appropriate fee.

(i) The division collects the following fees in accordance with U.C.A. Subsection 13-34-107(5):

(A) Initial registration application fees will be based on the expected gross income of the registered program during the first year of operation. The initial application fee shall be computed as one-half of one percent of the gross tuition income of the registered program(s) expected during the first year, but not less than \$100 or more than \$2,000. The institution shall provide documentation to substantiate the amount of the fee, in a form specified by the division.

(B) The division also collects annual registration fees computed as one-half of one percent of the gross tuition income of the registered program(s) during the previous year, but not less than \$100 or more than \$2,000. The institution shall provide documentation to substantiate the amount of the fee, in a form specified by the division. The annual registration fee is due on the anniversary date of the institution's certificate of registration.

(C) All registration fees collected by the division will be used to enhance the administration of the Act and Rules.

(4) The institution shall submit to the division its renewal registration statement application, along with the appropriate fee, no later than thirty (30) days prior to the expiration date of the current certificate of registration.

(5) In addition to the annual registration fee, an institution failing to file a renewal registration application by the due date or filing an incomplete registration application or renewal shall pay an additional fee of \$25 for each month or part of a month after the date on which the registration statement application or renewal were due to be filed.

(6) Within thirty (30) days after receipt of an initial or renewal registration statement application and its attachments, the division shall do one of the following:

~~(1)~~(a) issue a certificate of registration;

~~(2)~~(b) request further information and, if needed, conduct a site visit to the institution as detailed in R152-34-11(1); or

~~(3)~~(c) refuse to accept the registration statement based on Sections 13-34-107 and 113.

(7) Although a certificate of registration is valid for two (2) years, the division may periodically request updates of financial statements, surety requirements and the following statistical information:

(a) The number of students enrolled from September 1 through August 31;

(b) The number of students who completed and received a credential;

(c) The number of students who terminated or withdrew;

(d) The number of administrators, faculty, supporting staff, and agents; and

(e) The new catalog, information bulletin, or supplements.

(8) The institution must have, in addition to other criteria contained in this rule, sufficient financial resources to fulfill its commitments to students and staff members, and to meet its other obligations as evidenced by the following financial statements:

(a)(i) A current financial statement prepared in accordance with generally accepted accounting principles including a balance sheet, ~~and an income~~ a profit and loss statement, and a statement of cash flows for the most recent fiscal year with all applicable footnotes; or

~~(b)~~(ii) Pro forma financial statements until actual information is available when an institution has not operated long enough to complete a fiscal year; and ~~for~~

~~(e)~~(i) A certified fiscal audit of ~~its operations~~ the institution's financial statement performed by a certified or licensed public accountant; or

(ii) A review of the institution's financial statement performed by a certified or licensed public accountant, which shall include at least a statement by the accountant that there are not material modifications that should be made to the financial statement for it to be in conformity with generally accepted accounting principles; [such other documentation of financial status as may be required by the division.]

(9)(a) A satisfactory surety in the form of a bond, certificate of deposit, or irrevocable letter of credit must be provided by the institution before a certificate of registration will be issued by the division.

(b) The obligation of the surety will be that the institution, its officers, agents, and employees will:

~~(1)~~(i) faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students[-]; and

~~(2)~~(ii) conform to the provisions of the Utah Postsecondary Proprietary School Act and Rules.

(c) The bond, certificate of deposit, or letter of credit must be in a form approved by the division and issued by a company authorized to do such business in Utah.

~~(d)~~(i) The bond, certificate of deposit, or letter of credit must be payable to the division to be used for creating teach-out opportunities or for refunding tuition, book fees, supply fees, equipment fees, and other instructional fees paid by a student or potential student, enrollee, or his or her parent or guardian.

(ii) In each instance the division may determine:

(A) which of the uses listed in Subsection (9)(d)(i) are appropriate; and

(B) if the division creates teach-out opportunities, the appropriate institution to provide the instruction.

(e) An institution that closes or otherwise discontinues operation shall maintain the institution's surety until:

(i) at least one year has passed since the institution has notified the division in writing that the institution has closed or discontinued operation; and

(ii) the institution has satisfied the requirements of R152-34-9.

~~(10)~~(a) The ~~bond~~surety company may not be relieved of liability on the ~~bond~~surety unless it gives the institution and the division ninety calendar days notice by certified mail of the company's intent to cancel the ~~bond~~surety.

(b) The cancellation or discontinuance of ~~bond~~surety coverage after such notice does not discharge or otherwise affect any claim filed by a student, enrollee or his/her parent or guardian for damage resulting from any act of the institution alleged to have occurred while the ~~bond~~surety was in effect, or for an institution's ceasing operations during the term for which tuition had been paid while the ~~bond~~surety was in force.

(c) If at any time the company that issued the ~~bond~~surety cancels or discontinues the coverage, the institution's registration is revoked as a matter of law on the effective date of the cancellation or discontinuance of ~~bond~~surety coverage unless a replacement ~~bond~~surety is obtained and provided to the division.

(11)(a) Before an original registration is issued, and except as otherwise provided in this rule, the institution shall secure and submit to the division a surety in the form of a bond, certificate of deposit or letter of credit in an amount of one hundred and eighty-seven thousand, five- hundred dollars (\$187,500) for schools expecting to enroll more than 100 separate individual students (non-duplicated enrollments) during the first year of operation, one hundred and twenty-five thousand dollars (\$125,000) for schools expecting to enroll between 50 and 99 separate individual students during the first year, and sixty-two thousand, five- hundred dollars (\$62,500) for institutions expecting to enroll less than 50 separate individual students during the first year.

(b) Institutions that submit evidence acceptable to the division that the school's gross tuition income from any source during the first year will be less than twenty-five thousand dollars (\$25,000) may provide a bond surety of twelve thousand, five hundred dollars (\$12,500) for the first year of operation.

(12)(a) ~~The~~ Except as otherwise provided in this rule, the minimum amount of the required surety to be submitted annually after the first year of operation will be based on twenty-five percent of the annual gross tuition income from registered program(s) for the previous year (rounded to the nearest \$1,000), with a minimum bond surety amount of twelve thousand, five hundred dollars (\$12,500) and a maximum bond surety amount of one hundred and eighty-seven thousand, five-hundred dollars (\$187,500).

(b) The surety must be renewed each year by the anniversary date of the school's certificate of registration, and also included as a part of each two-year application for registration renewal.

(c) No additional programs may be offered without appropriate adjustment to the bond surety amount.

(13)(a) The institution shall provide a statement by a school official regarding the calculation of gross tuition income and written evidence confirming that the amount of the bond surety meets the requirements of this rule.

(b) The division may require that such statement be verified by an independent certified public accountant if the division determines that the written evidence confirming the amount of the bond surety is questionable.

(14) An institution with a total cost per program of five hundred dollars or less or a length of each such program of less than one month shall not be required to have a bond surety.

(15) The division will not register a program at a proprietary school if it determines that the educational credential associated with the program may be interpreted by employers and the public to represent the undertaking or completion of educational achievement that has not been undertaken and earned.

(16) Acceptance of registration statements and the issuing of certificates of registration to operate a school signifies that the legal requirements prescribed by statute and regulations have been satisfied. It does not mean that the division supervises, recommends, nor accredits institutions whose statements are on file and who have been issued certificates of registration to operate.

R152-34-8. Rules Relating to Fair and Ethical Practices Set Forth in Section 13-34-108.

(1) An institution, as part of its assessment for enrollment, shall consider the applicant's basic skills, aptitude, and physical qualifications, as these relate to the choice of program and to anticipated employment and shall not admit a student to a program unless there is a reasonable expectation that the student will succeed, as prescribed by R152-34-4(3).

(2) Financial dealings with students shall reflect standards of ethical practice.

(3) The institution shall adopt a fair and equitable refund policy including:

(a) A three-business-day cooling-off period, commencing with the day an enrollment agreement with the applicant is signed or an initial deposit or payment toward tuition and fees of the institution is made, until midnight of the third business day following such date or from the date that the student first visits the institution, whichever is later, shall be applicable and during this time the contract may be rescinded by the student and all money paid refunded.

(b) A student enrolled in a correspondence institution may withdraw from enrollment following the cooling off period, prior to submission by the student of any lesson materials or prior to receipt of course materials, whichever comes first, and effective upon deposit of a written statement of withdrawal for delivery by mail or other means, and the institution shall be entitled to retain no more than \$200 in tuition or fees as registration charges or an alternative amount that the institution can demonstrate to have been expended in preparation for that particular student's enrollment.

(c) A clear and unambiguous written statement of the institution's refund policy for student[s] who desire a refund after the three-business-day cooling-off period or after a student enrolled in a correspondence institution has submitted lesson materials or been in receipt of course materials.

(d) There shall be a written enrollment agreement, to be signed by the student and a representative of the institution, that clearly describes the cooling-off period, nonrefundable registration fee, and refund policy and schedule, including the rights of both the student and the institution, with copies provided to each ~~and~~.

(e) There shall be complete written information on repayment obligations to all applicants for financial assistance before an applicant student assumes such responsibilities.

(f) A pay-as-you-learn payment schedule that limits a student's prospective contractual obligation(s), at any one time, to the institution for tuition and fees to ~~three~~ four months of training, plus registration or start-up costs not to exceed \$200 or an alternative amount that the institution can demonstrate to have spent in undertaking a student's instruction. This restriction applies regardless of whether a contractual obligation is paid to the institution by:

(i) the student directly; or

(ii) a lender or any other entity on behalf of the student.

(g) The payment of a refund within 30 calendar days of a request for a refund if the person requesting the refund is entitled to the refund;

(i) under any provision of:

(A) the Utah Postsecondary Proprietary School Act, Utah Code Title 13, Chapter 34;

(B) the Postsecondary Proprietary School Act Rules, R152-34;
or

(C) a contract or other agreement between the institution and the person requesting the refund; or

(ii) because of the institution's failure to fulfill its obligations to the person requesting the refund.

(4) Following the satisfactory completion of his or her training and education, a student is provided with appropriate educational credentials that show the program in which he or she was enrolled, together with a transcript of courses completed and grades or other performance evaluations received.

(5) No institution shall use the designation of 'college' nor 'university' in its title nor in conjunction with its operation unless it actually confers a standard college degree as one of its credentials, unless the use of such designation had previously been approved by the Board of Regents prior to July 1, 2002.

(6) The name of the institution shall not contain any reference that could mislead potential students or the general public as to the type or nature of its educational services, affiliations or structure.

(7) Advertising standards consist of the following:

(a) The institution's chief administrative officer assumes all responsibility for the content of public statements made on behalf of the institution and shall instruct all personnel, including agents, as to this rule and other appropriate laws regarding the ethics of advertisement and recruitment;

(b) Advertising shall be clear, factual, supportable, and shall not include any false or misleading statements with respect to the institution, its personnel, its courses and programs, its services, nor the occupational opportunities for its graduates;

(c) The institution shall not advertise in conjunction with any other business or establishment, nor advertise in "help wanted" nor in "employment opportunity" columns of newspapers, magazines or similar publications in such a way as to lead readers to believe that they are applying for employment rather than education and training. It must disclose that it is primarily operated for educational purposes, if this is not apparent from its legal name;

(d) An institution, its employees and agents, shall refrain from other forms of ambiguous or deceptive advertising, such as:

(i) claims as to endorsement by manufacturers or businesses or organizations until and unless written evidence supporting this fact is on file; and

(ii) representations that students completing a course or program may transfer either credits or credentials for acceptance by another institution, state agency, or business, unless written evidence supporting this fact is on file;

(e) An institution shall maintain a file of all promotional information and related materials for a period of three (3) years;

(f) The division may require an institution to submit its advertising prior to its use; and

(g) An institution cannot advertise that it[']s organization or program is endorsed by the state of Utah other than to state that the school is 'Registered under the Utah Postsecondary Proprietary School Act'.

(i) An institution shall include the following registration and disclaimer statements in its catalog, student information bulletin, and enrollment agreements:

(A) REGISTERED UNDER THE UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT (Title 13, Chapter 34, Utah Code).

(B) Registration under the Utah Postsecondary Proprietary School Act does not mean that the State of Utah supervises, recommends, nor accredits the institution. It is the student's responsibility to determine whether credits, degrees, or certificates from the institution will transfer to other institutions or meet employers' training requirements. This may be done by calling the prospective school or employer.

(C) The institution is not accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(8) Recruitment standards include the following:

(a) Recruiting efforts shall be conducted in a professional and ethical manner and free from 'high pressure' techniques; and

(b) An institution shall not use loans, scholarships, discounts, or other such enrollment inducements, where such result in unfair or discriminatory practices.

(9) An agent or sales representative may not be directly or indirectly be portrayed as 'counselor,' 'advisor,' or any other similar title to disguise his or her sales function.

(10) An agent or representative is responsible to have a clear understanding and knowledge of the programs and courses, tuition, enrollment requirements, enrollment agreement, support services, and the general operational procedures thereof[;].

(11) An institution shall indemnify any student from loss or other injury as a result of any fraud or other form of misrepresentation used by an agent in the recruitment process.

(12) An institution operating in Utah but domiciled outside the state shall designate a Utah resident as its registered agent for purposes of service of legal process.

(13) An institution shall provide a student with all of the student's school records, as described in R152-34-9(2), within five business days after a written or verbal request by a student for the student's school records. The institution may not charge a student more than the actual copying costs for the student's school records.

KEY: education, postsecondary proprietary school, registration
[~~May 20, 2004~~2005
13-2-5(1)

▼ ————— ▼

Commerce, Occupational and Professional Licensing **R156-41-502** Unprofessional Conduct

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28176

FILED: 08/29/2005, 14:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Speech-Language Pathology and Audiology Board are proposing an amendment to this rule to update the American Speech-Language Hearing Association's (ASHA) Code of Ethics to the January 1, 2003, edition.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-41-502(5), the ASHA Code of Ethics is updated to the January 1, 2003, edition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-41-1, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes the January 1, 1994, edition of the ASHA Code of Ethics and adds the January 1, 2003, edition of the ASHA Code of Ethics

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$50 to reprint the rule once the proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.

❖ **LOCAL GOVERNMENTS:** The proposed amendment does not apply to local governments; therefore, no costs or savings are anticipated. The proposed amendment only applies to licensed speech-language pathologists and audiologists.

❖ **OTHER PERSONS:** The Division does not anticipate any costs or savings to the licensed professions of speech-language pathology and audiology as a result of this proposed amendment. The current edition of the ASHA Code of Ethics can be found on the American Speech-Language Hearing Association's website at no cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any costs to the licensed professions of speech-language pathology and audiology as a result of this proposed amendment. The current edition of the ASHA Code of Ethics can be found on the American Speech-Language Hearing Association's website at no cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated as a result of this rule filing which updates a reference to the latest edition of the profession's Code of Ethics. Jason P. Perry, Acting Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-41. Speech-Language Pathology and Audiology Licensing Act Rules.**

R156-41-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) using an educational title conferred by an organization or institution that is not a regionally accredited college or university;

(2) engaging in sexual intercourse or other sexual contact with a client or patient;

(3) exercising undue influence in a manner as to exploit the client, patient, or supervisee for financial or other personal advantage to the practitioner or a third party;

(4) inappropriate use of or training of speech-language pathology/audiology aides as defined by the board and the division; and

(5) failure to comply with the American Speech-Language Hearing Association's (ASHA) Code of Ethics, January 1, [1994]2003 edition, which is hereby incorporated by reference.

**KEY: licensing, speech-language pathology[±], audiology[±]
[October 16, 1997]2005**

Notice of Continuation April 8, 2002

58-1-106(1)(a)

58-1-202(1)(a)

58-41-1

▼ ————— ▼

Commerce, Occupational and Professional Licensing **R156-55a-503** Administrative Penalties

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28164

FILED: 08/18/2005, 15:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Construction Services Commission and the Division are placing the fine schedule applicable to licensees and unlicensed persons under Title 58, Chapter 55, in the rule. Currently, the existing fine schedule applicable to licensees and unlicensed persons under Title 58, Chapter 55, is a Division policy. The current existing fine schedule for administrative fines has not been changed in approximately 13 years. The Construction Services Commission considers the existing fines to be outdated and ineffective as a tool to enforce the Construction Trades Licensing Act; therefore the fine schedule that is being added to this rule is being updated and the fines increased.

SUMMARY OF THE RULE OR CHANGE: Section R156-55a-503 regarding administrative penalties is being added to the Utah Construction Trades Licensing Act rule. This new section outlines the fines applicable to licensees and unlicensed persons under Title 58, Chapter 55, who violate various subsections of that statute and the amount of the fine for first, second, and third offenses. The section also establishes guidelines pertaining to the issuance of citations and the fines associated with those citations. The fines in the Division's current existing fine schedule range from \$200 to \$1,200. The increased fines being proposed in this section range from \$500 to \$2,000.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101 and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-55-308(1), 58-55-102(35) and 58-55-501(21)

SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

ANTICIPATED COST OR SAVINGS TO:

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dennis Meservy at the above address, by phone at 801-530-6375, by FAX at 801-530-6511, or by Internet E-mail at dmeservy@utah.gov

❖ THE STATE BUDGET: As a result of this proposed rule and the fine schedule amounts being increased, the state budget would realize a positive fiscal impact from this section. It is estimated that the increase in fines would bring in an additional \$196,587 in revenue each year to the state. The Division will incur minimal costs, approximately \$75, to reprint the rule once the proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005

❖ LOCAL GOVERNMENTS: The proposed amendment will not affect local governments; therefore, no costs or savings are anticipated. The proposed rule amendment only affects persons who violate the specified sections of Title 58, Chapter 55, the Utah Construction Trades Licensing Act as outlined in the fine schedule.

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 9/28/2005 at 9:00 AM, 160 East 300 South - Conference Room 4A (4th floor) - Salt Lake City, Utah.

❖ OTHER PERSONS: The proposed amendment will affect persons (both licensed and unlicensed) who violate the specified sections of Title 58, Chapter 55, as outlined in the fine schedule. Using figures from 2002 to 2004, the Division wrote an average of 970 administrative citations per year that pertained to the Construction Trades Licensing Act. The amount collected per citation averaged just over \$202. It is estimated that in time the new fine schedule being proposed would increase this amount to \$500 per citation. The proposed fine schedule would also have an impact on fines collected through stipulated or written agreements; but it is expected this impact would be minimal.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-55a. Utah Construction Trades Licensing Act Rules.
R156-55a-503. Administrative Penalties.**

(1) In accordance with Subsection 58-55-503, the following fine schedule shall apply to citations issued under Title 58, Chapter 55:

TABLE

FINE SCHEDULE

FIRST OFFENSE

Violation	All Licenses Except	
	Electrical or Plumbing	Electrical or Plumbing
58-55-308(2)	\$ 500.00	N/A
58-55-501(1)	\$ 500.00	\$ 500.00
58-55-501(2)	\$ 500.00	\$ 800.00
58-55-501(3)	\$ 800.00	\$1,000.00
58-55-501(9)	\$ 500.00	\$ 500.00
58-55-501(10)	\$ 800.00	\$1,000.00
58-55-501(12)	N/A	\$ 500.00
58-55-501(14)	\$ 500.00	N/A
58-55-501(19)	\$ 500.00	N/A
58-55-501(21)	\$ 500.00	\$ 500.00

SECOND OFFENSE

58-55-308(2)	\$1,000.00	N/A
58-55-501(1)	\$1,000.00	\$1,500.00
58-55-501(2)	\$1,000.00	\$1,500.00
58-55-501(3)	\$1,600.00	\$2,000.00
58-55-501(9)	\$1,000.00	\$1,000.00
58-55-501(10)	\$1,600.00	\$2,000.00
58-55-501(12)	N/A	\$1,000.00
58-55-501(14)	\$1,000.00	N/A
58-55-501(19)	\$1,000.00	N/A
58-55-501(21)	\$1,000.00	\$1,000.00

THIRD OFFENSE

Double the amount for a second offense

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division is not able to determine an exact compliance cost to persons affected by the proposed amendment as it would depend on what statute violation they had committed and if the violation was a first, second, or third offense. However, it is estimated that the average increase in cost per citation issued would be \$298 for persons who violated the specified sections of Title 58, Chapter 55.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment adopts a fee schedule in accordance with Section 58-55-503. Although still within the ranges permitted by Section 58-55-503, this fine schedule increases the fine amounts previously applied by the Division of Occupational and Professional Licensing to violators of the Utah Construction Trades Licensing Act. Thus, violators of the Act will be paying approximately \$298 more per citation than they did before. Other than this fiscal impact to the regulated industry, no additional fiscal impact to businesses if anticipated. Jason P. Perry, Acting Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(5) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence reviewed.

KEY: contractors, occupational licensing, licensing

~~[July 18,]2005~~

Notice of Continuation January 15, 2002

58-1-106(1)(a)

58-1-202(1)(a)

58-55-101

58-55-308(1)

58-55-102(35)

58-55-501(21)

▼ ————— ▼

Commerce, Occupational and Professional Licensing **R156-55d-503** Administrative Penalties

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28166

FILED: 08/18/2005, 16:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Alarm System Security and Licensing Board and the Division are adding a section to the rule which adopts the fine schedule outlined in Section R156-55a-503 of the Utah Construction Trades Licensing Act Rules. Currently, the existing fine schedule applicable to licensees and unlicensed persons under Title 58, Chapter 55, which includes alarm companies and alarm company agents, is a Division policy. (DAR NOTE: The proposed amendment to Section R156-55a-503 is under DAR No. 28164 in this issue.)

SUMMARY OF THE RULE OR CHANGE: Section R156-55d-503 regarding administrative penalties is being added to the Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules. This new section adopts the fine schedule outlined in Section R156-55a-503 of the Utah Construction Trades Licensing Act Rules.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: As a result of this proposed section and the fine schedule amounts being increased which are being

adopted, the state budget would realize a positive fiscal impact from this section. It is estimated that the increase in fines affecting burglar alarms would bring in an additional \$1,788 in revenue each year to the state. The Division will incur minimal costs, approximately \$75, to reprint the rule once the proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.

❖ LOCAL GOVERNMENTS: The proposed amendment will not affect local governments; therefore no costs or savings are anticipated. The proposed rule amendment only affects persons who violate the specified sections of Title 58, Chapter 55, as outlined in the adopted fine schedule.

❖ OTHER PERSONS: The proposed amendment will affect persons (both licensed and unlicensed) who violate the specified sections of Title 58, Chapter 55, as outlined in the adopted fine schedule. Using figures from 2002 to 2004, the Division wrote an average of 970 administrative citations per year that pertained to the Construction Trades Licensing Act; 12 of those citations were issued for burglar alarm licensing issues. The amount collected per citation averaged just over \$202. It is estimated that in time the new fine schedule being proposed would increase this amount to \$500 per citation. The proposed fine schedule would also have an impact on fines collected through stipulated or written agreements; but it is expected this impact would be minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division is not able to determine an exact compliance cost to persons affected by the proposed amendment as it would depend on what statute violation they had committed and if the violation was a first, second, or third offense. However, it is estimated that the average increase in cost per citation issued would be \$298. The proposed impact will affect those in violation of the following statute subsections: 58-55-501(1), 58-55-501(2), 58-55-501(3), and 58-55-501(14).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment adopts by reference a rule adopted by the Construction Service Commission in a separate amendments to R156-55a-503. Other than the fiscal impact to the regulated industry described in the rule filing amending R156-55a-503, no additional fiscal impact to businesses is anticipated from this filing. Jason P. Perry, Acting Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 9/28/2005 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 4A (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-55d. Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules.
R156-55d-503. Administrative Penalties.**

The administrative penalties defined in Section R156-55a-503 of the Utah Construction Trades Licensing Act Rules are hereby adopted and incorporated by reference.

KEY: licensing, alarm company, burglar alarms

[October 5, 2004]2005

Notice of Continuation June 28, 2005

58-55-101

58-1-106(1)(a)

58-1-202(1)(a)

58-55-302(3)(h)

58-55-302(3)(i)

58-55-302(4)

58-55-308



**Commerce, Real Estate
R162-9-1
Objective and Specific Hour
Requirements**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 28173

FILED: 08/26/2005, 11:23

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to harmonize Subsections R162-9-1(9.1.2.1.1) and R162-9-1(9.1.2.1.2) with the practice of the Division in considering courses certified under Subsection R162-9-5(9.5.3) to be "live" education.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to reflect that continuing education courses that have received Distance Education certification from the Division of Real Estate or from the Association of Real Estate Licensing Law Officials (ARELLO) are considered to be "live" courses.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2-5.5(1)(a)(v)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The rule change is for the purpose of clarification only and does not change the manner in which the rule is enforced. Therefore, there is no anticipated cost or savings from this rule change.

❖ LOCAL GOVERNMENTS: None--Local governments do not license real estate agents or brokers, nor do they monitor their continuing education.

❖ OTHER PERSONS: None--The rule change is for the purpose of clarification only and does not change the manner in which the rule is enforced. Therefore, there is no anticipated cost or savings from this rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost or savings to real estate agents or brokers, or to real estate education providers, in changing Subsection R162-9-1(9.1.1) to reflect the Division's current practice of considering courses certified under Subsection R162-9-5(9.5.3) to be "live" courses.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing amends definitions of "live" and "passive" continuing education with the purpose of consistency with other provisions. No fiscal impact to businesses is anticipated by this filing. Jason P. Perry, Acting Executive Director

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

COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Dexter Bell, Director

R162. Commerce, Real Estate.

R162-9. Continuing Education.

R162-9-1. Objective and Specific Hour Requirements.

9.1.1 Objective. Through education, the licensee shall be reasonably current in real estate knowledge and shall have improved ability to provide greater protection and service to the real estate

consumer, thereby meeting the Real Estate Commission's primary objective of protection of and service to the public.

9.1.2 Specific Hour Requirements. A minimum of three of the 12 hours of continuing education required by Section 61-2-9(2)(a) must be taken in a "core" course, the subject of which will be designated by the Division to keep a licensee current in changing practices and laws.

9.1.2.1 Definitions.

9.1.2.1.1 For the purposes of this rule, "live" continuing education is defined as: a) live, in-class instruction; ~~[or]~~ b) videotapes, computer courses, or other education in which the instructor and the student are separated by distance and sometimes by time, so long as the education takes place in a school or industry association office with a Division-certified preclicensing instructor present to answer questions; or c) ARELLO-certified courses or other courses that have received Distance Education Certification from the Division as provided in Subsection 9.5.3 of these rules.

9.1.2.1.2 For the purposes of this rule and except for courses that have received Distance Education Certification from the Division as provided in Subsection 9.5.3 of these rules, "passive" continuing education is defined as videotapes, computer courses, or other education in which the instructor and student are separated by distance and sometimes by time if viewed in a location where no Division-certified preclicensing instructor is present.

9.1.2.2 A minimum of 6 hours of the 12 hours of continuing education required to renew must be live continuing education. The balance of up to 6 hours may be passive continuing education.

KEY: continuing education

[October 21, 2004]2005

Notice of Continuation June 26, 2002

61-2-5.5

▼ ————— ▼
**Health, Health Systems Improvement,
 Primary Care and Rural Health**

R434-50

**Assistance for People with Bleeding
 Disorders**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 28182

FILED: 08/30/2005, 10:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule establishes the criteria for awarding grants and financial need review criteria as required under Subsection 26-47-103(1)(b)(iii)(D).

SUMMARY OF THE RULE OR CHANGE: The rule establishes criteria for awarding grants and financial need review criteria. The rulemaking establishes the criteria for persons with bleeding disorders to receive financial assistance for bleeding disorder services, including health insurance coverage and premiums.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 26-47-101(5)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Cost to the Utah Department of Health will be approximately \$5,000 to print and distribute the new rule throughout the state and to administer the program.

❖ LOCAL GOVERNMENTS: This rule does not require action by local governments. If a local government chooses to apply for a grant, its costs will be covered by the grant.

❖ OTHER PERSONS: There may be some cost to grantees, but they will be covered in the grant. No other costs apply to other persons. Savings are anticipated to persons diagnosed with hemophilia or a bleeding disorder who are awarded funding under this program. However, the aggregate savings include the amount appropriated by the legislature minus grantee costs to administer the grant funds. It is anticipated that persons with bleeding disorders may experience some unquantifiable savings because of care provided on a more timely basis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Any costs to grantees will be covered in the grant. No other costs apply to other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This voluntary grant program will cover administrative costs to apply as part of grants awarded. No other costs are expected for business. David N. Sundwall, MD, Executive Director

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

HEALTH
 HEALTH SYSTEMS IMPROVEMENT,
 PRIMARY CARE AND RURAL HEALTH
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Don Beckwith or Erin L Olsen at the above address, by phone at 801-538-6818 or 801-538-6214, by FAX at 801-536-0940 or 801-538-6387, or by Internet E-mail at dbeckwith@utah.gov or elolsen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: David N. Sundwall, Executive Director

R434. Health, Health Systems Improvement, Primary Care and Rural Health.**R434-50. Assistance for People with Bleeding Disorders.****R434-50-1. Authority and Purpose.**

This rule is required by Section 26-47-103(5). It implements Section 103 of the Health Care Assistance Act, Title 26, Chapter 47.

R434-50-2. Definitions.

The definitions as they appear in Section 26-47-103(1) apply. In addition, "Department" means the Utah Department of Health.

R434-50-3. Grant Application.

An applicant responding to a request for grant application under this program shall submit its application as directed in the grant application guidance issued by the department.

R434-50-4. Criteria for Awarding Grants.

The department shall consider:

(1) the extent to which the applicant:

(a) demonstrates that it will provide assistance to the greatest number of persons with bleeding disorders residing across the State of Utah;

(b) utilizes other sources of funding, including private funding, to provide bleeding disorder services; and

(c) provides:

(i) information that meets the requirements established in Section 26-47-103(3);

(ii) a description of the individuals to be served by the grant;

(iii) the estimated number of individuals to be served with the grant award; and

(iv) the results of an assessment of need demonstrating the need for the bleeding disorder services that the grantee proposes to provide.

(2) the cost to the person with a bleeding disorder for the bleeding disorder services;

(3) the degree to which the applicant meets the requirements of the statute; and

(4) the degree to which the application is feasible, clearly described, and ready to be implemented.

R434-50-5. Qualified Service Recipients.

(1) As required by Section 26-47-103(1)(b)(iii)(D), the Department establishes that to meet the definition of a person with a bleeding disorder the individual's health insurance must be at or greater than 7.5 percent of the individual's adjusted gross income.

(2) The grantee must assure that each individual to whom it provides service under a grant awarded under this rule meets the requirements of this rule and Section 26-47-103(1)(b).

KEY: bleeding disorder, grants**2005****26-47-103(5)(a)**

Health, Health Systems Improvement,
Primary Care and Rural Health

R434-100

Physician Visa Waivers

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 28181

FILED: 08/30/2005, 09:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes criteria to determine whether it is in the public interest to request a J-1 visa waiver for a physician and to establish the procedures for the submission, review, and disposition of applications.

SUMMARY OF THE RULE OR CHANGE: The proposed rule includes the maximum number of visa waivers that can be granted annually, J-1 visa physician eligibility criteria, health care facility request criteria, contract requirements between the J-1 visa physician and health care facility, application deferral processing criteria determined by the department, and program improvements that may be required by the health care facility and the J-1 visa waiver physician.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-18, and 22 CFR 41.63

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Some cost to revise, print, and distribute the new rule to health care facilities throughout the state and J-1 visa waiver physician applicants. Administrative costs are absorbed within current workload and staffing.

❖ **LOCAL GOVERNMENTS:** This rule does not require an increased workload or cost to local governments. Cost savings are anticipated through the recruitment and retention of J-1 visa waiver physicians by hospitals, clinics, community health centers, or local health departments who will hire the physicians to serve the medically underserved populations of the State of Utah.

❖ **OTHER PERSONS:** Changes to this rule do not require an increased workload or cost to other persons. Savings are anticipated through the recruitment and retention of J-1 visa waiver physicians by hospitals, clinics, community health centers, or local health departments who will hire the physicians to serve the medically underserved populations of the State of Utah.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with affected persons. This will only affect the providers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses impacted by the J-1 visa waiver program, which allows medically underserved populations in Utah to access physician services, should be positively impacted by this rule. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
PRIMARY CARE AND RURAL HEALTH
CANNON HEALTH BLDG

288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Don Beckwith or Erin L Olsen at the above address, by phone at 801-538-6818 or 801-538-6214, by FAX at 801-536-0940 or 801-538-6387, or by Internet E-mail at dbeckwith@utah.gov or elolsen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: David N. Sundwall, Executive Director

R434. Health, Health Systems Improvement, Primary Care and Rural Health.

R434-100. Physician Visa Waivers.

R434-100-1. Authority and Purpose.

(1) Sections 1182(e) and 1184 of Title III of the Immigration and Nationality Act and 22 CFR 41.63 provide that the state may request a waiver of the federal two year home residence requirement on behalf of J-1 visa physicians each fiscal year if they work in a medically underserved area of the state and if the waiver is in the public interest. Section 26-1-18 authorizes the Utah Department of Health to implement this program.

(2) This rule establishes the criteria to determine whether it is in the public interest to request a J-1 visa waiver for an applicant. It establishes the procedures for the submission, review, and disposition of applications.

R434-100-2. Definitions.

As used in this rule:

(1) "Department" means the Utah Department of Health.

(2) "Health care facility" means a doctor's office, local health department, clinic or licensed health care facility where a J-1 visa waiver physician may work under the supervision of the sponsoring physician.

(3) "Principal" means any person who owns 10% or more beneficial or equitable interest in the health care facility.

R434-100-3. Maximum Number of Visa Waivers.

(1) The Department may recommend J-1 visa waivers up to the maximum number of eligible J-1 visa waivers that have been granted in a federal fiscal year. If the maximum number of J-1 visa waivers have been granted, the Department shall consider pending applications in the following federal fiscal year in the order each was received.

(2) Each health care facility may make up to two requests per federal fiscal year.

R434-100-4. Physician Eligibility.

(1) A physician is eligible to apply for a J-1 visa waiver recommendation if he:

(a) is enrolled in or has completed a minimum three year postgraduate training program in the United States accredited by the

Accreditation Committee on Graduate Medical Education or the American Osteopathic Association Bureau of Professional Education prior to submitting an application;

(b) has passed the examination requirements for licensure as a physician or surgeon or osteopathic physician or surgeon in Utah, pursuant to rule established by the Division of Occupational and Professional Licensing; and

(c) has the specialty training and previous work experience that corresponds to the health care facility's recruitment descriptions.

R434-100-5. Requests.

The health care facility or the physician must submit to the Department a written request for the J-1 visa waiver.

(1) The request must include from the health care facility:

(a) documentation of its recruitment efforts to hire a qualified United States citizen for at least one immediate prior year for the position the J-1 visa waiver physician seeks to fill;

(b) documentation that it implements a sliding fee scale, payment schedule, or similar method that demonstrates that it provides discounts to medically indigent patients; and

(c) an assurance letter that the health care facility and its principals are not under investigation for, under probation for, or under restriction for:

(i) Children's Health Insurance Program, Medicaid, or Medicare fraud;

(ii) violations of Division of Occupational and Professional Licensing statute or rules; or

(iii) other violations of law that may indicate that it may not be in the public interest that a waiver of the two-year home residency requirement be granted.

(2) The request must include from the physician:

(a) a completed application that includes all professional experience, education, licenses and certificates, research, honors, professional memberships, and three professional references;

(b) a copy of all IAP-66 forms "Certificate of Eligibility for Exchange Visitor (J-1) Status" and INS forms I-94 for the physician and his or her spouse and children; and

(c) the case number issued by the United States Department of State indicating payment of the federal fee required to apply for the visa waiver.

(3) The request must also include:

(a) a copy of the complete contract between the J-1 visa waiver physician and the health care facility;

(b) any required processing fees; and

(c) other information requested by the Department as may be reasonably necessary to determine whether it is in the public interest that a waiver of the two-year home residency requirement be granted.

R434-100-6. Contract Requirements.

To obtain a state recommendation that the visa waiver is in the public interest, the contract that the applicant submits must meet the following criteria:

(1) The contract must be for employment at a health care facility:

(a) located within a federally designated primary care Health Professional Shortage Area;

(b) that has been operating for at least one year;

(c) whose principals are free from default on any federal or state scholarship or loan repayment program offered by the National Health Service Corps or by the state under Title 26, Chapter 50;

(d) that it or its principals are not under investigation for, under probation for, or under restriction for:

- (i) Medicaid or Medicare fraud;
- (ii) violations of Division of Occupational and Professional Licensing statute or rules; or
- (iii) other violations of law that may indicate that it may not be in the public interest that a waiver of the two-year home residency requirement be granted.

(e) that accepts all Medicaid, Medicare, Children's Health Insurance Program, Primary Care Network and Utah Medical Assistance Program eligible patients; and

(f) that implements a sliding fee scale, payment schedule, or similar method that demonstrates that it provides discounts to medically indigent patients.

(2) The contract must provide:

(a) that the physician agrees to meet the requirements set forth in section 214(k) of the Immigration and Nationality Act, 8 USC 1184(k);

(b) the specific address of the health care facility where the physician will practice medicine;

(c) a description of the geographic area that will be served by the physician;

(d) that the physician agrees to work an annual full-time equivalency of 40 hours in patient care per week;

(e) for an obligation committing both parties to three years of employment; and

(f) that the physician agrees to begin employment at the health care facility within 90 days of the waiver being granted;

(3) The contract shall not contain a "non competition" clause or other provision that would discourage or inhibit the physician from working anywhere in the state upon termination of his employment with the health care facility.

R434-100-7. Application Deferral.

(1) The Department may defer processing of a request if the health care facility or any of its principals is under investigation or awaiting trial for possible:

- (a) Medicaid or Medicare fraud;
- (b) violations of Division of Occupational and Professional Licensing statute or rules; or
- (c) other violations of law that may indicate that it may not be in the public interest that a waiver of the two year home residency requirement be granted.

(2) The Department may defer processing of a request if the health care facility or any of its principals is under probation or has entered a plea in abeyance for any alleged violation of the elements listed in subsection (1).

(3) A physician applicant may seek to obtain a J-1 visa waiver as an employee of another health care facility if the Department has deferred processing of a request under subsections (1) or (2).

(4) If a health care facility for which a request has been deferred desires the Department to remove the deferral, it must notify the Department and provide documentation that the reason for the deferral no longer exists.

R434-100-8. Program Improvement.

The Department may require the health care facility and J-1 visa waiver physician to provide information regarding the performance, commitment to the medically underserved area, service obligation fulfillment, and any other information regarding

their experience under the J-1 visa waiver as is reasonably necessary for the administration of the program.

KEY: waiver, underserved, physicians
2005
26-1-18

Human Resource Management, Administration **R477-7** Leave

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28192

FILED: 09/01/2005, 11:35

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment will implement the provisions of H.B. 213 passed in the 2005 general session of the Utah Legislature, and will clarify provisions governing an employee's return to work. (DAR NOTE: H.B. 213 is found at UT L 2005 Ch 15, and will be effective 01/01/2006.)

SUMMARY OF THE RULE OR CHANGE: H.B. 213 created two categories of sick leave and converted sick leave. Leave earned prior to December 31, 2005, is program I sick leave and converted sick leave. Leave earned after January 1, 2006, is Program II sick leave and converted sick leave. The benefits earned with Program I are different from the benefits earned with program II. Amendments to Section R477-7-5 provide that 25% of converted sick leave will be placed in the employees 401(k) account upon retirement. The remainder will be used to purchase health care premiums if it is program I converted sick leave or will be placed in the PEHP health reimbursement program if it is program II converted sick leave. Amendments to Subsection R477-7-6(1) require the gradual elimination of the number of years the state will pay for health insurance prior to age 65 from 5 years in 2006 to 0 years in 2011; the placement of 25% of the value of the employees sick leave into a 401(k) account at retirement; and the gradual elimination of the mandatory deduction from the employees sick balance from 480 hours in 2006 to 0 hours in 2011. Remaining amendments to this subsection make it mandatory that sick leave hours remaining after the 401(k) contribution and the deduction shall be used to purchase health insurance premiums and reorder existing language for clarity. Subsection R477-7-6(2) is a new subsection providing for the disposition of leave hours in program II. Twenty-five percent of the value of those hours shall be contributed into a 401(k) account with the remainder placed into the PEHP health reimbursement program. Amendments to Sections R77-7-13, R477-7-16, and R477-7-17 simply require agencies to comply with appropriate state and federal laws when an employees returns to work from leave of absence without pay, workers' compensation, or long term disability. Provisions are

found throughout the Department of Human Resource Management (DHRM) rules for dealing with the Family Medical Leave Act, the Americans with Disabilities act, the Uniformed Services Employment and Reemployment Rights Act, and other human resource laws.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 67-19-6 and Subsection 67-19-14(2)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The fiscal note to H.B. 213 estimates a cost to the state budget of \$200,000 in fiscal year 2006 and \$50,000 in fiscal year 2007 because of anticipated early retirements by employees wishing to avoid the discontinuance of some of the benefits prescribed by the bill. After that, the state should realize substantial savings over time as more and more employee sick leave is shifted into the health care reimbursement program from the purchase of more expensive health insurance premiums.

❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.

❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The cost identified in under the "State budge" above will affect the Utah Retirement System and have little impact on state agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by various provisions of the Utah Personnel Management Act, Title 67, Chapter 19. These provisions limit the provision of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or saving on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no affect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Conroy Whipple or May Chanthapannha at the above address, by phone at 801-538-3067 or 801-537-3081, by FAX at 801-538-3081 or 801-538-3377, or by Internet E-mail at cwhipple@utah.gov or MCHANTHAPANNHA@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2006

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.

R477-7. Leave.

R477-7-5. Converted Sick Leave.

As an incentive to reduce sick leave abuse, an employee may convert sick leave hours to converted sick leave after the end of the last pay period of the calendar year in which the employee is eligible.

(1) To be eligible, an employee's sick leave account must have accrued a minimum total of 144 hours at the beginning of the first pay period of the calendar year.

(a) At the end of the last pay period of a calendar year in which an employee is eligible, all unused hours accrued that year in excess of 64 shall be converted to converted sick leave. In the event the employee has the maximum accrued in converted sick, these hours will be added to the annual leave account balance. An employee who does not wish to have the sick leave converted shall notify agency management no later than the end of February. The converted sick leave hours will then be returned to the sick leave account.

(b) Upon separation, an eligible employee may convert any unused hours accrued in the current calendar leave year in excess of 64 to converted sick.

(c) The maximum hours of converted sick leave an employee may accrue is 320.

(2) ~~Converted sick leave may be used as annual leave [or as regular sick leave by the employee, or as paid health and life insurance at the time of retirement for employees under age 65. If an employee is 65 years of age or older at the time of retirement, converted sick leave may be used to purchase a Medicare supplement.~~

~~(a) Payment for health and life insurance is the responsibility of the employing agency.~~

~~(b) The purchase rate shall be eight hours of converted sick leave for the state paid portion of the premium for one month's coverage for health and life insurance.~~

~~(c) The retiree shall pay the same percentage of the premium as a current employee on the same plan.]~~

(3) Upon retirement, 25 percent of the value of the unused converted sick leave shall be placed in the employee's 401(k) account as an employer contribution. The remainder shall be used for:

(a) the purchase of health care insurance provided in R477-7-6(1)(d) if the leave was accrued prior to January 1, 2006; or

(b) a contribution into the PEHP health care reimbursement program provided in R477-7-6(2)(b) if the leave was accrued after January 1, 2006.

R477-7-6. Sick Leave Retirement Benefit.

Upon retirement ~~[from active employment,]~~ an employee ~~[may be offered]~~ shall receive a retirement benefit ~~[program, according to Section 67-19-14(2)]~~ under the provisions of Section 67-19-14.2 and Section 67-19-14.4.

(1) ~~[This program is optional for each agency. However, any decision whether or not to participate shall be agency wide and shall be consistent through an entire fiscal year.] An employee shall receive the following benefit provided by the Unused Sick Leave Retirement Option Program I for the unused sick leave hours accrued prior to January 1, 2006.]~~

~~— (a) If an agency decides to withdraw for the next fiscal year after initially deciding to participate, the agency must notify all employees at least 60 days before the new fiscal year begins.]~~

~~(b)a) The employing agency shall provide the same health and life insurance benefits as provided to current employees [for five years or until the employee reaches the age eligible for Medicare or up to the following number of years, whichever comes first.~~

~~— (i)(A) five years if the employee retires during calendar year 2006;~~

~~— (B) four years if the employee retires during calendar year 2007;~~

~~— (C) three years if the employee retires during calendar year 2008;~~

~~— (D) two years if the employee retires during calendar year 2009;~~

~~— (E) one year if the employee retires during calendar year 2010;~~

~~or~~

~~— (F) zero years if the employee retires after calendar year 2010.~~

~~(i)ii) Health insurance provided shall be the same coverage carried by the employee at the time of retirement; i.e., family, two-party, or single. If the employee has no health coverage in place upon retirement, none shall be offered or provided.~~

~~(i)iii) Life insurance provided shall be the minimum authorized coverage provided for all state employees at the time the employee retires.~~

~~(i)iv) The retiree shall pay the same percentage of the premium as a current employee on the same plan.~~

~~(2) Employee participation in any part of this incentive program shall be voluntary, but the decision to participate shall be made at retirement.~~

~~— (3) An employee may elect to receive a cash payment, or transfer to an approved 401(k) or 457 account, up to 25 percent of his accrued unused sick leave at his current rate of pay. (b) Twenty five percent of the value of the unused sick leave shall be placed in the employee's 401(k) account as an employer contribution.~~

~~(4)c) After the [election for cash out]401(k) contribution is made, [480 hours]an additional amount shall be deducted from the employees remaining sick leave balance as follows.~~

~~— (i)(A) 480 hours if the employee retires during calendar year 2006;~~

~~— (B) 384 hours if the employee retires during calendar year 2007;~~

~~— (C) 288 hours if the employee retires during calendar year 2008;~~

~~— (D) 192 hours if the employee retires during calendar year 2009;~~

~~— (E) 96 hours if the employee retires during calendar year 2010;~~

~~or~~

~~— (F) zero hours if the employee retires after calendar year 2010.~~

~~(5)d) The [employee may use]remaining sick leave hours [to participate in the following incentive program]shall be used to provide the following benefit.~~

~~(a)i) The [retiree may]purchase of PEHP health insurance, or a state approved program, and life insurance coverage for [himself]the employee until he reaches the age eligible for Medicare.~~

~~(i)A) Health insurance shall be the same coverage carried by the employee at the time of retirement; i.e., family, two-party, or single.]~~

~~— (ii) Life insurance provided shall be the minimum authorized coverage provided for state employees at the time the employee retires.]~~

~~(i)B) The purchase rate shall be eight hours of sick leave or converted sick leave for the state paid portion of one month's premium.~~

~~(i)C) The employee shall pay the same percentage of the premium as a current employee on the same plan.~~

~~(D) Life insurance provided shall be the minimum authorized coverage provided for state employees at the time the employee retires.~~

~~(ii) When the employee reaches the age eligible for Medicare, he may purchase a Medicare supplement policy provided by PEHP for himself at the rate of eight hours of sick leave or converted sick leave for one month's premium.~~

~~(b)iii) After the employee reaches the age eligible for Medicare, he may purchase PEHP Preferred Care health insurance, or a state approved cost equivalent program for a spouse until the spouse reaches the age eligible for Medicare.~~

~~(i)A) The purchase rate shall be eight hours of sick leave or converted sick leave for one month's premium.]~~

~~— (e) When the employee reaches the age eligible for Medicare, he may purchase a high option Medicare supplement policy for himself at the rate of eight hours of sick leave or converted sick leave for one month's premium.]~~

~~(d)iv) When the spouse reaches the age eligible for Medicare, the employee may purchase a [high option]Medicare supplement policy provided by PEHP for the spouse at the rate of eight hours of sick leave or converted sick leave for one month's premium.~~

~~(e)y) In the event an employee is killed in the line of duty, the employee's spouse shall be eligible to use the employee's available sick leave hours for the purchase of health and dental insurance as provided in R477-7-6.~~

~~(2) An employee shall receive the following benefit provided by the Unused Sick Leave Retirement Option Program II for unused sick leave hours accrued after January 1, 2006.~~

~~(a) Twenty five percent of the value of the unused sick leave shall be placed in the employees' 410(k) account as an employer contribution.~~

~~(b) The remaining hours after the 401(k) contribution shall be deposited in the PEHP health care reimbursement program at the greater of:~~

~~(i) the employee's rate of pay at retirement, or~~

~~(ii) the average rate of pay of state employees who retired in the same retirement system in the previous calendar year.~~

R477-7-13. Leave of Absence Without Pay.

(1) An employee shall apply in writing to agency management for approval of a leave of absence without pay. Approval may be granted for continuous leave for up to 12 months from the last day worked.

(a) The employee shall be entitled to previously accrued annual and sick leave.

(b) If unable to return to work within the time period granted, the employee shall be separated from state employment unless prohibited by state or federal law to include but not limited to the Americans with Disabilities Act [

~~— (c) If an employee returns to work on or before the expiration of leave without pay and is unable to perform the essential functions of the position because of a permanent disability that qualifies as a disability~~

~~under the ADA, the agency shall offer the employee a reassignment to one or more immediately available vacant positions, for which the employee qualifies, and whose essential functions the employee is able to perform without a reasonable accommodation. If no position is immediately available the employee shall be separated from state employment.]~~

(2) Nonmedical Reasons

(a) Leave without pay may be granted only when there is an expectation that the employee will return to work. This section does not apply for military leave.

(b) Agency management may approve leave without pay for an employee even though annual or sick leave balances exist. An employee may take up to ten consecutive working days of leave without pay without affecting the leave accrual rate.

(c) An employee who receives no compensation for a complete pay period shall be responsible for payment of the full premium of state provided benefits.

(d) An employee who returns to work on or before the expiration of leave without pay shall be placed in a position with comparable pay and seniority to the previously held position. (3) Medical Reasons

(a) An employee who is ineligible for FMLA, Workers Compensation, or Long Term Disability may be granted leave without pay for medical reasons.

(b) Medical leave without pay may be granted for no more than 12 months. Medical leave may be approved if a registered health practitioner certifies that an employee is temporarily disabled.

(c) An employee who is granted this leave shall provide a monthly status update to the employee's supervisor.

R477-7-16. Workers Compensation Leave.

(1) An employee may use accrued leave benefits to supplement the workers compensation benefit.

(a) The combination of leave benefit and workers compensation benefit shall not exceed the employee's gross salary. Leave benefits shall only be used in increments of one hour in making up any difference.

(b) The use of accrued leave to supplement the worker compensation benefit shall be terminated if:

(i) the employee is declared medically stable by licensed medical authority;

(ii) the workers compensation fund terminates the benefit;

(iii) the employee has been absent from work for one year;

(iv) the employee refuses to accept appropriate employment offered by the state; or

(v) the employee receives Long Term Disability or Social Security Disability benefits.

(c) The employee shall refund to the state any accrued leave paid which exceeds the employee's gross salary for the period for which the benefit was received.

(2) An employee will continue to accrue state paid benefits and leave benefits while receiving a workers compensation time loss benefit for up to one year.

(3) Health insurance benefits shall continue for an employee on leave without pay while receiving workers compensation benefits. The employee is responsible for the payment of the employee share of the premium.

(4) If the employee is able to return to work within one year of the last day worked, the agency shall place the employee in the previously held position or a similar position at a comparable salary range.

(5) If the employee is unable to return to work within 12 months, the employee shall be separated from state employment unless prohibited by state or federal law to include but not limited to the Americans with Disabilities Act.

(6) An employee who files a fraudulent workers compensation claim shall be disciplined according to the provisions of R477-11.

R477-7-17. Long Term Disability Leave.

(1) An employee who is determined eligible for the Long Term Disability Program (LTD) shall be granted up to one year of medical leave, if warranted by a medical condition.

(a) The medical leave begins on the last day the employee worked. LTD requires a three month waiting period before benefit payments begin. During this period, an employee may use available sick and converted sick leave. When those balances are exhausted, an employee may use other leave balances available.

(b) An employee determined eligible for Long Term Disability benefits shall be eligible for health insurance benefits the day after the last day worked. The employee is responsible for 10% of the health insurance premium during the first year of disability, 20% during the second year of disability, and 30% thereafter until the employee is no longer covered by the long term disability program.

Upon approval of the LTD claim:

(i) Biweekly salary payments that the employee may be receiving shall cease. If the employee received any salary payments after the three month waiting period, the LTD benefit shall be offset by the amount received.

(ii) The employee shall be paid for remaining balances of annual leave, compensatory hours and excess hours in a lump sum payment. This payment shall be made at the time LTD is approved unless the employee requests in writing to receive it upon separation from state employment. No reduction of the LTD payment shall be made to offset this payment. If the employee returns to work prior to one year after the last day worked, the employee has the option of buying back annual leave at the current hourly rate.

(iii) An employee with a converted sick leave balance at the time of LTD eligibility shall have the option to receive a lump sum payout of all or part of the balance or to keep the balance intact to pay for health and life insurance upon retirement. The payout shall be at the rate at the time of LTD eligibility.

(iv) An employee who retires from state government directly from LTD may be eligible for up to five years health and life insurance as provided in Subsection 67-19-14(2)(b)(ii).

(v) Unused sick leave balance shall remain intact until the employee retires. At retirement, the employee shall be eligible for the cash payout and the purchase of health and life insurance as provided in Subsection 67-19-14(2)(c)(i).

(2) An employee shall continue to accrue service credit for retirement purposes while receiving long term disability benefits.

(3) Conditions for return from leave without pay shall include:

(a) If an employee is able to return to work within one year of the last day worked, the agency shall place the employee in the previously held position or similar position in a comparable salary range provided the employee is able to perform the essential functions of the job with or without a reasonable accommodation. [

~~(b) If an employee is unable to perform the essential functions of the position because of a permanent disability that qualifies as a disability under the ADA, the agency shall offer the employee a reassignment to one or more immediately available vacant positions, for which the employee qualifies, and whose essential functions the employee is able to perform without a reasonable accommodation.]~~

(e)b) If an employee is unable to return to work within one year after the last day worked, the employee shall be separated from state employment unless prohibited by state or federal law to include but not limited to the Americans with Disabilities Act.

(4) An employee who files a fraudulent long term disability claim shall be disciplined according to the provisions of R477-11.

KEY: holidays, leave benefits, vacations

~~July 2, 2005~~ January 1, 2006

49-9-203

63-13-2

67-19-6

67-19-12.9

67-19-14.5

▼ ————— ▼

**Human Services, Administration,
Administrative Services, Licensing
R501-1
General Provisions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 28167

FILED: 08/22/2005, 16:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being amended at this time in response to the passage of S.B. 107 during the 2005 general legislative session affecting Title 62A, Chapter 2. It also places into rule those items such as fees, which had previously been addressed in policy, that are required to be in rule due to passage of S.B. 30 during the 2003 general session affecting Title 63, Chapter 46a. (DAR NOTE: S.B. 107 (2005) is found at UT L 2005 Ch 188, and was effective 05/02/2005. S.B. 30 (2003) is found at UT L 2003 Ch 197, and was effective 05/05/2003.)

SUMMARY OF THE RULE OR CHANGE: The changes expand the definitions in rule and add greater detail in the licensing procedures, fees, monitoring violations and corrective actions, and did some renumbering. Because the mark-up was extensive and was hard to follow, it was decided to just strike-through the current rule and just put the changes through as it will appear after being made effective but marked as "new" so it is easier to read.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101, 62A-2-120, 62A-2-121 and 62A-2-122

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Other than the cost of having the revised rule reprinted, there will be no additional cost to the state because the changes are for definition and clarification.

❖ LOCAL GOVERNMENTS: No impact--Changes are for the purpose of clarification and definition, and do not change

anything regarding enforcement that would impact local government.

❖ OTHER PERSONS: No impact--There will not be any additional costs to persons or business, because the changes are for clarification and definition purposes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs to affected persons because the amendment is being made for the purpose of clarity and definition.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses inasmuch as the amendments are for the purpose of clarification and definition and will not require any change in the physical operation of licensee programs and facilities. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi or Ken Stettler at the above address, by phone at 801-538-4153 or 801-538-4235, by FAX at 801-538-4553 or 801-538-4553, or by Internet E-mail at jbohi@utah.gov or kstettler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Ken Stettler, Director

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

R501-1. General Provisions.

~~[R501-1-1. Definition.~~

~~— The general provisions are the procedures for the administration and issuance of a license.~~

~~— A. Legal Authority~~

~~— 1. The Utah State Department of Human Services, hereinafter referred to as DHS, does hereby adopt and promulgate the following rules governing licensure of human service programs in accordance with 62A-2-101 through 62A-2-121.~~

~~— 2. This act provides for issuance of a license by DHS, Office of Licensing. Upon compliance with the Rules, which include General Provisions, Core, Categorical and single service Rules.~~

~~— B. Purpose~~

~~— 1. The purpose of licensing under these rules is to authorize a public or private agency or a home to provide a defined human service program. The license designates that the program has the ability to provide the service.~~

—2. A license indicates that the governing body of the program has demonstrated or has provided assurance that services shall be provided in accordance with these rules.

R501-1-2. License Procedure.

A. Application

—A program seeking an initial or renewal license shall make application on forms provided by the Office of Licensing.

—B. The licensure fee, as determined by the Utah State Legislature, shall be submitted. The fee will be assessed for the maximum license capacity of the facility.

—C. A program seeking a license to provide service to minors or vulnerable adults shall submit identifying information to the Office of Licensing for a criminal background screening in accordance with 62A-4a-413 and 62A-2-120, and abuse and neglect background screening in accordance with 62A-3-311.1 and 62A-2-121.

D. On-Site Review

—1. Each initial or renewal applicant shall permit a representative or representatives of the Office of Licensing to conduct an on-site review of the physical facility, program operation, consumer records, and to interview staff and consumers to determine compliance.

—2. Annually an on-site review shall be carried out by a representative or representatives of the Office of Licensing by appointment, as pre-arranged with the program.

—3. The findings shall be shared with the program at the conclusion of the review. A written report will be filed in the Office of Licensing by the representative.

—4. If the report indicates non-compliance with Rules, the program shall develop a written plan of action to achieve compliance with the Rules as approved by the Office of Licensing.

—E. The license shall state name and address of the program facility, category of service, maximum consumer capacity when appropriate, and period during which license is in effect.

—F. A license may be extended by the Office of Licensing for a designated period of time not to exceed twelve months.

—G. License expiration: A license that is expired is null and void. A program shall follow the licensing procedures in R501-1-2 to re-apply for a license.

R501-1-3. Types of License.

A. Initial License

—The Office of Licensing shall issue an Initial License for a probationary period to be determined by the Office of Licensing, which shall not exceed twelve months.

B. Annual License

—1. The Office of Licensing shall issue an annual license after determination has been made that the applicant is in compliance with the requirements of the Initial License and are in compliance with Rules of the Office of Licensing.

C. Renewal License

—The Office of Licensing shall issue a renewal license to a program annually, upon receipt of an application, payment of applicable fees, and a completed site visit to verify full compliance with the Rules of the Office of Licensing.

D. Extended License

—The Office of Licensing may extend a license for a designated period of time not to exceed twelve months, and shall state in writing the terms of the extension.

R501-1-4. Monitoring.

—A. Office of Licensing staff shall investigate reports of unlicensed programs and license all who require a license by statute. If the program fails to become licensed, a notice of the violation shall be referred to the Offices of the Attorney General and the appropriate County Attorney.

—B. Office of Licensing staff shall investigate complaints regarding a licensed program.

—C. Unannounced visits may be conducted at any time, and if an unannounced visit indicates non-compliance or a license violation, the Office of Licensing staff will document the non-compliance or license violation while on-site and the program shall develop a written plan approved by the Office of Licensing to achieve compliance or correct the violation. If the violation is a threat to the health or safety of consumers, a license sanction may be immediate.

R501-1-5. Corrective Action Plan for Non-Compliance With Rules.

—A. If an evaluation indicates non-compliance with Rules of the Office of Licensing, then within thirty days of notice the program shall develop a plan of action approved by the Office of Licensing to achieve compliance while continuing to care for minors or adults.

—B. The plan of action shall include the following:

—1. a statement of each violation as identified by the Office of Licensing;

—2. a method and date for resolution, and

—3. all plans of action shall be documented in writing and signed by the appropriate program staff.

—C. If a program fails or refuses to comply with the plan of action, a Notice of Agency Action shall be sent to the program from the Office of Licensing.

—D. If the program fails or refuses to meet requirements or the Notice of Agency Action, the license may be suspended or revoked.

—E. Directors of programs shall be required to post the Notice of Agency Action indicating the violation of Rules. This notice shall be posted in an obvious and conspicuous place where it can be easily reviewed by consumers or parents or guardians of consumers. When compliance is achieved, a letter showing compliance shall be sent to the program to post for review by consumers or parents or guardians of consumers, and a copy placed in the programs file.

R501-1-6. License Violation.

—A. When a program violates the terms of the license, the Office of Licensing, with notification to the appropriate Division, may deny, condition, suspend, or revoke a license for the following:

—1. violation of the Rules of the Office of Licensing;

—2. conduct in the provision of service that is or may be harmful to the health or safety of persons receiving services; or

—3. exercise of professional judgment of license specialist in coordination with Office Director.

—B. The license is automatically void, if there is a change in ownership or address of the program. The program license shall also become void if there is a change in the program's management, administration, or policies, unless the program has submitted written notification to the Office of Licensing prior to such changes, and the Office of Licensing has reviewed the changes and had determined that they are in compliance with Licensing rules. If a license becomes void, the program may re-apply for a license in accordance with R501-1-2.

~~— C. Sanctions~~

~~— 1. Denial: The Office of Licensing shall give written notice of the denial of an annual or renewal application within 30 days of the date of decision. The notice shall contain a statement of the basis of the denial and shall inform the applicant of the right to request an administrative hearing as provided by DHS policy. The applicant must make written request to the Office Director for a hearing within ten days of the receipt of the Notice of Agency Action.~~

~~— 2. Conditional: The Office of Licensing shall give written Notice of Agency Action of the conditional status of an existing license. The notice shall contain a statement of cause for the action, including identification of the program's specific non-compliance with Office of Licensing rules and shall inform licensee of the right to an administrative hearing for appeal.~~

~~— a. A conditional status allows a program to continue operation, if there is no immediate threat to the health or safety of consumers.~~

~~— b. The duration of the conditional status shall be determined by the Office of Licensing. The period shall allow sufficient time for correction of the noted deficiencies.~~

~~— 3. Suspension: The Office of Licensing shall give written Notice of Agency Action of a suspension of an existing license. The notice shall contain a statement of cause for action and shall inform the licensee of the right to an administrative hearing and appeal. A suspension of a license prohibits the operation of the program and State payment for consumers.~~

~~— a. The duration of the suspension shall be determined by the Office of Licensing. The suspension period shall allow sufficient time for correction of the noted deficiencies or the completion of an investigation.~~

~~— b. During the Administrative Hearing or appeal process the program shall not accept any new consumers or receive state payment for new consumers.~~

~~— c. A license may only be suspended one time. A second violation of the rules, which would result in a suspension, will result in revocation.~~

~~— 4. Revocation: The Office of Licensing shall give written Notice of Agency Action of a revocation of an existing license. The notice shall contain a statement of cause for action and shall inform the licensee of the right to a hearing or appeal.~~

~~— a. A revocation of a license prohibits the operation of the program and state payments for consumers. The revocation shall be final.~~

~~— b. During the appeal process the program shall not accept any new consumers or receive state payment for new consumers.~~

~~— D. If the Office Director finds that the health or safety of the consumers so require, the immediate suspension or revocation of a license shall be ordered. The Notice of Agency Action shall contain a statement of the basis for the order and shall inform licensee of the right to an administrative hearing. The final decision to suspend or revoke a license shall be made by the Office Director with notification to the appropriate Division.~~

R501-1-7. Due Process for License Actions:

~~— A. Administrative Hearing: A licensee whose license is being sanctioned as defined in R501-1-6(C) may request an informal administrative hearing. The request must be in writing, contain a statement of the problem, and be sent to the Office of Licensing Director within ten days of action. The Office of Licensing will follow the procedure for administrative hearings according to Utah Administrative Practice Act and in accordance with DHS policy.~~

~~— B. Alternative Dispute Resolution: A licensee who is in disagreement with a decision made by the Director of the Office of~~

~~Licensing or by an Office of Licensing staff person may request to have their disagreement handled in an alternative dispute resolution setting as established by Department of Human Services policy in accordance with the State of Utah Alternative Dispute Resolution Act.~~

~~— C. Grievances: If the licensee has grievances that are related to the operation or licensure of the program, and which the licensee believes may be resolved administratively within the Office of Licensing the licensee may request a conference with the Office of Licensing Director.~~

R501-1-8. Variances.

~~— A variance is a time limited authorized deviation from the specifics of a Rule.~~

~~— A. The Office Director, or designee, may grant a variance to rules of the Office of Licensing, if it is in the best interests of the consumer and maintains basic health and safety requirements.~~

~~— B. The licensee must submit a written request for a variance, describing the method of fulfilling the intent of the Rules of the Office of Licensing to maintain the health and safety of the consumer.~~

~~— C. The Office of Licensing shall notify the licensee of the approval or denial of the conditions of the variance, in writing, within 30 days.~~

~~— D. The Office of Licensing shall maintain a record, and submit a copy to the appropriate Division.~~

R501-1-9. Abuse or Neglect, or Exploitation.

~~— A. When the Office of Licensing finds evidence of abuse, neglect, or exploitation, or are provided with allegations of abuse, neglect, or exploitation.~~

~~— Office of Licensing staff shall immediately notify the appropriate investigative agency, according to State of Utah Abuse and Neglect Reporting Requirements.~~

~~— B. When notified of the results of an abuse investigation by the investigating agency, the Office of Licensing staff shall take the following action:~~

~~— 1. If substantiated, the license may be suspended or revoked.~~

~~— 2. If unsubstantiated, the license status shall not be effected.]~~

R501-1-1. Authority and Purpose.

~~— 1. This Rule is authorized by Section 62A-2-101, et seq.~~

~~— 2. This Rule clarifies the standards for:~~

~~— a. approving or denying a human services program application, or~~

~~— b. approving, extending, conditioning, denying, suspending, or revoking a human services program license.~~

~~— 3. This Rule clarifies the standards for inspecting, monitoring, and investigating a human services program.~~

~~— 4. This Rule clarifies the standards for approving or denying a variance to the Human Services Administrative Rules, Title R501, regarding the licensing of human services programs.~~

R501-1-2. Definitions.

~~— 1. "Applicant" means a person who submits an application to the Office of Licensing to obtain a license to operate a human services program.~~

~~— 2. "Certified local inspector" is defined in Section 62A-2-101.~~

~~— 3. "Child" is defined in Section 62A-2-101.~~

~~— 4. "Client" is defined in Section 62A-2-101.~~

~~— 5. "Human services program" is defined in Section 62A-2-101.~~

~~— 6. "Initial License" means the license issued to operate a human services program during the program's first year of operation.~~

7. "Licensee" means a person with a current, valid license to operate a human services program, issued by the Office of Licensing.

8. "Local government" is defined in Section 62A-2-101.

9. "Person" includes an individual, agency, association, partnership, corporation, or governmental entity.

10. "Probationary License" means a temporary initial license issued to operate a new human services program during the period of time that the Office of Licensing designates for the program to transition from substantial compliance to full compliance with licensing requirements.

11. "Regular business hours" is defined in Section 62A-2-101.

12. "Residential Treatment" is defined in Section 62A-2-101.

13. "Renewal License" means the license issued to operate a human services program after the program's first year of operation.

14. "Substantial compliance" means a human services program presently conforms to all licensing requirements with the exception of minor requirements that do not create a risk of harm to a child or vulnerable adult. Examples of minor requirements that do not create a risk of harm to a child or vulnerable adult include, but are not limited to, individual staff or client files in a residential treatment program that has not yet provided services, individual staff or client files in a child placing agency that has not yet provided services, or completion of training in a kinship foster care placement.

15. "Variance" means a temporary deviation from an administrative rule.

16. "Vulnerable Adult" is defined in Section 62A-2-101.

R501-1-3. Licensing Procedure.

1. Application for Initial License.

A person seeking an initial license to operate a human services program shall submit:

a. an application on the forms provided by the Office of Licensing;

b. the licensing fee required of a new program for the category of human services program license sought;

c. a completed background screening application and consent form, and all required identifying information, in accordance with R501-14, for each adult associated with the proposed human services program;

d. the applicant's proposed policy and procedure manual;

e. documentation verifying compliance with all local government zoning, health, fire, and business requirements; and

f. for residential treatment programs, a copy of the notice of its intent to operate a residential treatment program and proof of service, in accordance with Section 62A-2-108.2.

2. Application for Renewal License.

A person seeking renewal of a license to operate a human services program shall submit:

a. an application on the form provided by the Office of Licensing;

b. the licensing fee required for the category of human services program;

c. verification of current background screening approval, in accordance with R501-14, for each adult associated with the human services program;

d. a copy of all modifications that have been made to the licensee's policy and procedure manual since the previous year's licensure;

e. documentation verifying current compliance with all local government zoning, health, fire, and business requirements; and

f. for residential treatment programs, a copy of the notice of its intent to operate a residential treatment program and proof of service, in accordance with Section 62A-2-108.2.

g. the application for renewal of a license shall be submitted no less than thirty days and no more than sixty days prior to the expiration date of the current license.

3. An application and required documentation that are not legible, complete, dated and signed shall be returned to the applicant without further action.

4. On-Site Licensing Review

a. An applicant for an initial license shall permit the Office of Licensing to conduct an unlimited on-site evaluation of the physical facility and grounds, and to interview persons associated with the proposed program to verify compliance with all licensing requirements.

i. The Office of Licensing shall approve an application for an initial human services program license only after verifying full compliance with all licensing requirements.

ii. The Office of Licensing may approve a probationary license only after verifying substantial compliance with licensing requirements.

A. The Office of Licensing shall include an expiration date on a probationary license, which shall not exceed 6 months from the date of issue.

B. A probationary licensee that fails to achieve full compliance with licensing requirements prior to the expiration of the probationary license shall not be granted an extension, and shall not accept any fees, entering any agreements to provide client services, or provide any client services.

C. A probationary licensee that is not granted an initial license may submit a new application for an initial license 3 months after the expiration of the probationary license.

iii. The Office of Licensing shall deny an application for an initial human services program license when substantial compliance with all licensing requirements cannot be verified.

iv. The Office of Licensing shall permit an applicant for an initial human services program license to withdraw the application at any time prior to denying the application when an applicant requests additional time to demonstrate compliance with all licensing requirements.

A. An application that has been voluntarily withdrawn by an applicant may be resubmitted, within six months of the date of withdrawal, for reconsideration without payment of additional fees.

b. The Office of Licensing shall conduct a minimum of one annual on-site review of each human services program site.

i. The Office of Licensing shall approve an application for a human services program license renewal only after verifying full compliance with all licensing requirements.

ii. The Office of Licensing shall deny an application for a human services program license renewal when full compliance with all licensing requirements cannot be verified.

iii. The Office of Licensing may extend the current license of a human services program in accordance with this rule.

A. A renewal license may be extended for up to sixty days past the current license expiration date if the Office of Licensing determines that the human services program is in substantial compliance with licensing requirements.

B. A notice of extension shall identify the extension expiration date and the requirements that the human services program must comply with to achieve full compliance.

C. A human services program that fails to achieve full compliance with licensing requirements prior to the expiration of the extension shall not be granted additional extensions.

D. The Office of Licensing shall deny the renewal application of a human services program that fails to achieve full compliance with licensing requirements prior to the expiration of an extension.

c. The Office of Licensing shall complete a written monitoring report or a checklist identifying areas of compliance and non-compliance with licensing requirements after each on-site review.

5. The license shall state the name and site address of the human service program facility, category of service, maximum consumer capacity, and the start date and expiration date.

6.a. A license that has expired is void.

b. A license expires at midnight one year after the date it was issued, unless:

i. the license states an earlier expiration date;

ii. the license has been extended in accordance with this rule;

iii. the license has been revoked by the Office of Licensing; or

iv. the license has been relinquished to the Office of Licensing by the licensee.

7.a. A licensee shall not exceed the licensed maximum client capacity indicated on the license issued by the Office of Licensing.

b. A licensee seeking to increase the maximum client capacity of a license shall submit an application for a renewal license in accordance with this rule.

8.a. A licensee shall not provide client services at a new site or change the services it provides without first obtaining a new license issued by the Office of Licensing.

b. A licensee seeking to change a human services program's site address or services provided shall submit an application for a new license in accordance with this rule.

9. A person with an expired license wishing to operate a human services program shall submit an application for a new license in accordance with this rule.

10. A license is deemed void when the human services program has a change of ownership, management, administration, policies, or site address.

a. A human services program that has a change of ownership or management shall apply for a renewal license in accordance with this rule.

b. A human services program that has a change of administration, policies, or site address shall apply for an initial license in accordance with this rule.

R501-1-4. Fees.

1. The Office of Licensing shall assess and collect licensing fees in accordance with Sections 62A-2-106 and 63-38-3.2.

a. An assessed fee shall not be transferred, prorated, reduced, waived, or refunded.

b. No licensing fee shall be assessed on a foster home or on a Division of the Department of Human Services.

2. The Office of Licensing shall not perform an on-site review until the applicant pays the assessed licensing fee in full.

3. Fees shall be calculated according to the maximum licensed client capacity of the human services program, and not according to the number of clients served in the program.

a. A human services program with a valid, current license that intends to increase its maximum licensed client capacity shall submit an application for a renewal license and shall be assessed a renewal application fee according to the increased maximum client capacity.

4. Fees shall be assessed for each program site of a human services program.

a. A human services program with more than one building at one site may choose to have its fees assessed:

i. so that one license will be issued for each on-site building; or

ii. so that one license will be issued for each site.

b. A human services program with a valid, current license that intends to provide services at an additional site shall submit an application for an initial license at the additional site.

i. A human services program with a valid, current license that proposes to provide identical services at additional site shall be assessed a renewal application fee.

ii. A human services program with a valid, current license that will not provide identical services at an additional site shall be assessed an initial application fee.

5. Fees shall be assessed for each category of human services program offered at a program site.

a. A human services program with a valid, current license that intends to provide additional services at the licensed site shall submit an application for a renewal license and shall be assessed a renewal application fee.

R501-1-5. Monitoring.

1. The Office of Licensing shall investigate reports of unlicensed human services programs.

a. An unlicensed human services program that fails to submit an application and become licensed shall be referred to the Offices of the Attorney General and the appropriate County Attorney for prosecution.

2. The Office of Licensing shall investigate complaints regarding a licensed human services program.

a. A certified local inspector may investigate complaints regarding a residential treatment program in accordance with Section 62A-2-108.3 and R501-4

3. Unannounced administrative inspections may be conducted during regular business hours.

4. The Office of Licensing shall document violations of administrative rules or statutes

5. The Office of Licensing shall provide written notification to the human services program of violations of administrative rules or statutes and any sanctions imposed.

R501-1-6. Corrective Action Plans.

1. The Office of Licensing may require a human services program to submit a written corrective action plan in response to a written notification of its violations of administrative rules or statutes.

2. A human services program shall submit a written corrective action plan to the Office of Licensing within ten calendar days of receiving written notification of its violations of administrative rules or statutes.

3. The written corrective action plan shall include the following:

a. a statement of each violation as identified by the Office of Licensing.

b. a detailed description of how the human services program will correct each violation and prevent additional violations of administrative rules or statutes;

c. the date by which the human services program will achieve complete compliance with administrative rules or statutes; and

d. the signature of all owners and managers of the human services program.

4. The Office of Licensing shall issue a Notice of Agency Action imposing sanctions for a human service program's violations of administrative rules or statutes if the program fails to submit a written corrective action plan in compliance with this rule.

5. The Office of Licensing shall review the submitted written corrective action plan and:

a. inform the human services program that the written corrective action plan is approved; or

b. inform the human services program that the written corrective action plan fails to satisfy the requirements of this rule.

i. The Office of Licensing may permit a human services program to amend its written corrective action plan within 5 additional calendar days to satisfy the requirements of this rule.

6. The Office of Licensing shall issue a Notice of Agency Action imposing sanctions for a human services program's violations of administrative rules or statutes if the program fails to comply with a written corrective action plan approved by the Office of Licensing.

7. A human services program shall post each approved corrective action plan and each Notice of Agency Action where it can be easily reviewed by clients, parents or guardians of clients, and visitors.

a. Each approved corrective action plan and each Notice of Agency Action shall remain posted until the Office of Licensing issues written confirmation that the program has achieved compliance with administrative rules and statutes.

R501-1-7. License Violation.

1. An applicant shall not accept any fees, enter any agreements to provide client services, or provide any client services until after receiving written confirmation that the Office of Licensing has approved and issued a license to provide those services.

2. The Office of Licensing may exercise its professional judgment and deny, condition, suspend, or revoke a license for any violation of the administrative Rules or local, state, or federal law.

3. The Office of Licensing shall issue a written notice of agency action when a license sanction is imposed. The notice of agency action shall identify each violation and describe the factual basis underlying each violation.

4. The Office of Licensing may place a license on conditional status. A conditional status allows a program that is in the process of correcting administrative rule violations to continue operation subject to conditions established by the Office of Licensing.

5.a. A human services program that has had its license suspended is prohibited from providing any services to clients until after the suspension period has expired.

b. A human services program that has had its license expire during the suspension period shall be required to submit an application for an initial license after the suspension period has expired and obtain a new license prior to providing any services to clients.

6. A human services program that has had its license revoked is prohibited from providing any services to clients until after a new license is issued in accordance with Section 62A-2-113.

R501-1-8. Due Process.

1. A notice of agency action shall inform the applicant or licensee of the right to appeal in accordance with Administrative Rule 497-100 and Section 63-46b-0.5, et seq.

2. A licensee shall not accept any new clients while an appeal is pending.

R501-1-9. Variances.

1. A licensee shall not deviate from any administrative rule without first receiving written approval of a specific variance request signed by the Director of the Office of Licensing or the Director's designee.

2. The Director of the Office of Licensing, or the Director's designee, may grant a variance to the administrative rules of the Office of Licensing, if the Director or the Director's designee determines that a variance:

a. is in the best interests of the client; and

b. may be granted without compromising any health and safety requirements.

3. The licensee must submit a written request for a variance to the licensing specialist. A request for a variance shall specifically describe:

a. the rule for which variance is requested;

b. how the licensee will ensure the best interests of the client will be maintained;

c. what procedures will be implemented to ensure the health and safety of all clients; and

d. the proposed variance expiration date.

4. The licensing specialist shall review the written request for a variance and forward it to the Director or the Director's designee together with the licensing specialist's recommendations to approve, approve with modifications, or deny the request.

5. The Office of Licensing shall notify the licensee of the approval, approval with modifications, or denial of the of the variance, in writing, within 30 days.

R501-1-10. Abuse or Neglect, or Exploitation.

1. The Office of Licensing shall immediately notify the appropriate investigative or law enforcement agency of any allegations or evidence of abuse, neglect, or exploitation of any child or vulnerable adult.

R501-1-11. Compliance.

Any licensee that is in operation of the effective date of this rule shall be given 30 days after the effective date to achieve compliance with this rule.

KEY: licensing, human services

~~[January 30, 2003]~~2005

Notice of Continuation November 25, 2002

62A-2-101 et seq.



Human Services, Administration,
Administrative Services, Licensing

R501-4

Certified Local Inspectors

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE No.: 28185
 FILED: 08/31/2005, 08:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Passage of S.B. 107 during 2005 general session enacts Title 62A-2-108.3 entitled Local Government - Certified Local Inspector - Local Inspection of a residential treatment facility. (DAR NOTE: S.B. 107 is found at UT L 2005 Ch 188, and was effective 05/02/2005.)

SUMMARY OF THE RULE OR CHANGE: This proposed rule creates the requirements for a certified local inspector, including application, training, designation, inspections, etc.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 62A-2-108.3

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be some initial cost to the state for training, but potentially it could save the state the cost of several full-time staff, provided that local government officials become certified as Office of Licensing inspectors. Potential savings to state could be up to \$100,000 or more depending on the number of inspectors.

❖ LOCAL GOVERNMENTS: Local governments would incur the costs of having their own officials certified as inspectors for the Office of Licensing. However, this is by choice of the local government. They could assign local inspectors only if they wish to. It is not a mandate. Under Subsection 62A-2-108.3(5)(d), the local government employer of a certified local inspector shall be responsible to pay the certified local inspector for all action taken by the certified local inspector including: conducting the inspection; preparing an inspection report for the office; and participating in training.

❖ OTHER PERSONS: None--There is no anticipated costs to other persons. The cost, if any would only effect the local government as stated above and the state for the initial training.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Subsection 62A-2-108.3(5)(d) ensures that there are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule should have no fiscal impact on businesses. Costs shall be born by the Department for training and certification of the local inspectors, and the local government employer shall bear all other costs as listed under "costs to Local government" above. The rule will not require any change in the physical operation of licensee programs and facilities, and does not effect any other businesses. Lisa Michele Church, Executive Director

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

HUMAN SERVICES
 ADMINISTRATION, ADMINISTRATIVE SERVICES,
 LICENSING

120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Ken Stettler, Director

R501. Human Services, Administration, Administrative Services, Licensing.**R501-4. Certified Local Inspectors.****R501-4-1. Authority and Purpose.**

1. This rule is authorized by Section 62A-2-108.3.

2. This rule establishes procedures for complying with Section 62A-2-108.3 and for the performance of inspections by a certified local inspector.

R501-4-2. Definitions.

1. "Applicant" means a person who has submitted an application to the Department of Human Services Office of Licensing under Section 62A-2-108.3.

2. "Certified local inspector" is defined in Section 62A-2-101.

3. "Conduct" means behavior that may negatively impact an individual's ability to perform the functions of a certified local inspector, including but not limited to dishonesty, discourtesy, aggressiveness, or working while under the influence of drugs or alcohol.

4. "Emergency" means a situation where a reasonable person would conclude there is an on-site imminent risk to the health or safety of any individual.

5. "Local government" is defined in Section 62A-2-101.

6. "Personal communication" means a two-way conversation, and does not include an unanswered voice-mail or e-mail message.

7. "Regular business hours" is defined in Section 62A-2-101.

8. "Residential treatment program" is defined in Section 62A-2-101.

R501-4-3. Application for Designation.

1. The governing body of a local government and a local government employee may jointly submit an application to designate or renew the designation of the local government employee as a certified local inspector on a form provided by the Office of Licensing.

a. An application to renew the designation of a certified local inspector shall be submitted at least thirty days prior to the expiration date of current designation.

2. An initial or renewal certified local inspector application shall be submitted together with:

a. the applicant's background screening application and consent form, and all required identifying information, in accordance with R501-3;

b. the applicant's resume, which shall describe the applicant's duties and responsibilities in each position held;

c. the applicant's education and training history;

d. a copy of all complaints received regarding the applicant and the disposition of those complaints, or a letter from the local government confirming that the applicant has received no complaints;

e. three letters of reference describing the applicant's character, demeanor, and interactions with the public; and

f. an acknowledgment signed by the applicant and the governing body of the applicant's local government employer, and approved by the local government attorney, that the local government employer bears sole responsibility for the applicant's salary and expenses, and agrees to indemnify, defend, and hold harmless the Office of Licensing, the Department of Human Services, and the State of Utah for any act or omission of the applicant.

3. A certified local inspector application that is not legible, complete, dated and signed shall be returned to the governing body of the local government without further action.

R501-4-4. Training.

1. The Office of Licensing shall offer training for applicants twice annually. All classes shall be held in the Office of Licensing administrative offices in Salt Lake City.

2. An applicant shall submit all required application materials at least ten business days prior to the first day of the training class.

3. An applicant shall read all materials sent from the Office of Licensing prior to the first day of the training class.

4. An applicant shall complete training on the following subjects:

a. Section 62A Chapter 2, Licensure of Programs and Facilities;

b. R501-1, General Provisions;

c. R501-2, Core Rules;

d. R501-4, Certified Local Inspectors;

e. R501-16, Intermediate Secure Treatment Programs for Minors;

f. R501-19, Residential Treatment Programs;

g. the Fourth Amendment to the Constitution of the United States; and

h. inspection procedures.

R501-4-5. Local Certified Inspector Designation.

1. The Office of Licensing shall not designate an initial or renewal applicant as a certified local inspector unless:

a. the applicant submits all materials required by the Office of Licensing;

b. the applicant attends and participates in the entire course of training presented by the Office of Licensing;

c. the applicant successfully completes the training presented by the Office of Licensing, as evidenced by the applicant's multiple choice test scores;

d. the background screening of the applicant is approved in accordance with R501-3; and

e. the Office of Licensing determines that, based upon the conduct of the applicant, it is in the public's best interest to designate the applicant as a certified local inspector.

2. A certified local inspector shall comply with

a. Section 62A-2-108.3;

b. R501-4, Certified Local Inspectors;

c. the Fourth Amendment to the Constitution of the United States;

d. inspection procedures; and

e. other applicable local, state, and federal laws.

3. Designation as a certified local inspector shall be revoked if the Office of Licensing determines that, based upon the conduct of the certified local inspector, continued designation is not in the public's best interest.

a. The local government employer of a certified local inspector shall immediately notify the Office of Licensing of any conduct by a certified local inspector that may not be in the public's best interest

4. The local government employer of a certified local inspector shall notify the Office of Licensing of a certified local inspector's change in employment or termination of employment within two business days.

5. The governing body of a new local government employer of a certified local inspector who has changed jobs, that desires that the certified local inspector retains certified local inspector designation, shall submit:

a. an application to designate the local government employee as its certified local inspector on a form provided by the Office of Licensing;

b. the certified local inspector's updated resume; and

c. an acknowledgment signed by the applicant and the governing body of the certified local inspector's new local government employer that the new local government employer bears sole responsibility for the applicant's salary and expenses, and agrees to indemnify, defend, and hold harmless the Office of Licensing, the Department of Human Services, and the State of Utah for any act or omission of the applicant.

d. An otherwise current certified local inspector designation shall be suspended until:

i. all information required by R501-4-5.5 is received by the Office of Licensing;

ii. the Office of Licensing determines whether continued designation of the certified local inspector is in the public's best interest; and

iii. an updated certified local inspector identification is issued.

iv. an updated certified local inspector identification shall expire on the same date as the underlying identification card.

R501-4-6. Inspections.

1. A certified local inspector shall visibly display the photo identification card issued by the Office of Licensing at all times while inspecting a licensed residential treatment facility.

2. Except in an emergency, a certified local inspector shall provide prior notice to the Office of Licensing of the certified local inspector's intent to inspect a licensed residential treatment facility, by personal communication with the certified local inspector's assigned licensing specialist contact or the licensing specialist's supervisor.

3. Except in an emergency, a certified local inspector shall obtain permission to inspect a licensed residential treatment facility prior to entering the facility, by personal communication with the certified local inspector's assigned licensing specialist contact or the licensing specialist's supervisor.

4. A certified local inspector shall provide the report required by Section 62A-2-108.3(4)(c) and a copy of all records obtained from a licensed residential treatment facility to the certified local inspector's assigned licensing specialist contact or the licensing specialist's supervisor.

R501-4-7. Administrative Hearing.

A notice of agency action that denies an applicant's initial or renewal request to be designated as a certified local inspector shall inform the applicant and the local government employer of their right to request an administrative hearing in accordance with Administrative Rule 497-100 and Section 63-46b-0.5, et seq.

KEY: human services, licensing, certified local inspector 2005 62A-2-108 et seq.

▼ ————— ▼

Human Services, Administration, Administrative Services, Licensing

R501-14

Background Screening

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 28191

FILED: 09/01/2005, 10:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule replaces existing Rules R501-14 and R501-18 in order to address the passage of H.B. 64, H.B. 79, and S.B. 107 during the 2005 general legislative session which enacts amendments to Sections 62A-2-101, 62A-2-120, 62A-2-121, and 62A-2-122. (DAR NOTE: H.B. 64 (2005) is found at UT L 2005 Ch 107, and was effective 05/02/2005. H.B. 79 (2005) is found at UT L 2005 Ch 60, and was effective 05/02/2005. S.B. 107 (2005) is found at UT L 2005 Ch 188, and was effective 05/02/2005.)

SUMMARY OF THE RULE OR CHANGE: This rule replaces existing Rules R501-14 and R501-18 in order to address the statutory amendments made in Sections 62A-2-101, 62A-2-120, 62A-2-121, and 62A-2-122 that specifically relate to criminal and abuse background screening of applicants associated with a human services licensee. The rule includes definitions, procedures, comprehensive review, and adds provisions for the screening of "direct service workers" and "personal care attendants" as defined in Sections 62A-5-101 and 62A-3-101, respectively.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101, 62A-2-120, 62A-2-121, 62A-2-122, 62A-3-101, and 62A-5-101

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The anticipated costs to the state will be minimal if any at all. Potential costs are being absorbed in existing budgets.

❖ **LOCAL GOVERNMENTS:** No impact is anticipated. This rule does not effect the cost of operation or enforcement by local government.

❖ **OTHER PERSONS:** There may be some costs passed on to the applicant for a background screening. Those requiring a nationwide background check are subject to a \$24 fee assessed by the FBI.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs for required background screens are borne by the existing state budget. The exception would be for those individuals required to submit for a nationwide background check, which requires a \$24 fee (see "Other Persons" above).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule creates no additional fiscal impact on businesses. There is, and has been minimal fiscal impact on those businesses (licensee programs/facilities) that choose to financially assist their staff with the cost of nationwide background screens. This rule will not change that impact, nor does it impact any other businesses besides the licensee programs and facilities. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Ken Stettler, Director

R501. Human Services, Administration, Administrative Services, Licensing.**R501-14 Background Screening.****R501-14-1. Authority and Purpose.**

1. This Rule is authorized by and implements Sections 62A-2-108.3, 62A-2-120, 62A-2-121, 62A-2-122, 62A-3-104.3, 62A-5-103.5, 78-30-3.5(2)(a), and 78-30-3.6.

2. This Rule establishes the circumstances under which an applicant may have direct access or provide services to a child or vulnerable adult when the person has a criminal history record, is listed in the Licensing Information System or the statewide database of the Division of Aging and Adult Services, or when juvenile court records show that a court made a substantiated finding under Section 78-3a-320 that the person committed a severe type of child abuse or neglect.

3. This Rule clarifies the standards for approving, denying, or revoking an applicant's background screening.

R501-14-2. Definitions.

1. "Abuse" may include "severe emotional abuse", "severe physical abuse", and "emotional or psychological abuse", as these terms are defined in Sections 62A-4a-101 and Section 62A-3-301.

2. "Applicant" means a person whose identifying information is submitted to the Department of Human Services Office of Licensing under Sections 62A-2-108.3, 62A-2-120, 62A-3-104.3, 62A-5-103.5, 78-30-3.5(2)(a), and 78-30-3.6.

3. "BCI" means the Bureau of Criminal Identification, and is the designated state agency of the Division of Criminal Investigation and Technical Services Division, within the Department of Public Safety, responsible to maintain criminal records in the State of Utah.

4. "Child" is defined in Section 62A-2-101.

5. "Comprehensive Review Committee" means the Committee appointed to conduct comprehensive reviews in accordance with Section 62A-2-120.

6. "Direct Access" is defined in Section 62A-2-101.

7. "Direct Service Worker" is defined in Section 62A-5-101.

8. "Directly supervised" is defined in 62A-2-120(5).

9. "Human services program" is defined in Section 62A-2-101.

10. "Identifying information" means an applicant's:

a. current and former names, aliases, and addresses,

b. date of birth,

c. social security number, and

d. a current, valid state driver's license or state identification card bearing the applicant's photo, current name, and address; and

e. Identifying information includes an applicant's fingerprints when required by law or rule, certified copies of applicable court records, and other records specifically requested by the Office of Licensing.

11. "Licensing Information System" is created by Section 62A-4a-116.2, as a sub-part of the Division of Child and Family Services' Management Information System created by Section 62A-4a-116.

12. "Neglect" may include "severe neglect", as these terms are defined in Sections 62A-4a-101 and 62A-3-301.

13. "Personal Care Attendant" is defined in Section 62A-3-101.

14. "Statewide Database" of the Division of Aging and Adult Services is created by Section 62A-3-311.1 to maintain reports of vulnerable adult abuse, neglect, or exploitation.

15. "Substantiated" is defined in Sections 62A-3-301 and 62A-4a-101.

16. "Supported" is defined in Section 62A-4a-101.

17. "Vulnerable Adult" is defined in Section 62A-2-101.

R501-14-3. Background Screening Procedure.

i.a.i. An applicant for initial background screening shall legibly complete, date and sign a background screening application and consent on a form provided by the Office of Licensing, and attach all required identifying information.

ii. an applicant for annual background screening renewal shall legibly complete, date and sign a background screening application and consent on a form provided by the Office of Licensing, and attach all required identifying information.

A. an applicant for annual background screening renewal shall submit a background screening application and identifying information no sooner than sixty days and no later than fourteen

days preceding the expiration date of the current background screening approval.

iii. an applicant shall disclose all criminal charges, including pending charges, and all supported or substantiated findings of abuse, neglect or exploitation on the background screening application.

b.i. An applicant for background screening who has not continuously lived in Utah for the five years immediately preceding the day the application is submitted shall attach two completed ten-print fingerprint cards, and a cashier's check or money order for the cost of a FBI national criminal history record check, to the background screening application.

A. an applicant for annual background screening renewal who has continuously lived in Utah at all times since the date of the initial background screening approval is not required to attach fingerprint cards or a cashier's check or money order for the cost of a FBI national criminal history record check to the renewal application.

B. the Office of Licensing shall only accept ten-print fingerprint cards completed by a law enforcement agency or an agency approved by the BCI.

ii. an applicant who has lived outside of the United States during the five years immediately preceding the date of the application shall also attach an original or certified copy of:

A. a criminal history report from each country lived in;

B. a letter of honorable release from U.S. military or full-time ecclesiastical service, from each country lived in; or

C. other written verification of criminal history from each country lived in, as approved by the Office of Licensing Background Screening Unit supervisor.

c. i. an applicant shall submit the completed application and consent form, and all required identifying information, to the applicable licensing specialist, human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only).

ii. the applicable licensing specialist, human services program, local government employer (for certified local inspector applicants only), Area Agency on Aging (for Personal Care Attendant applicants only), or Division of Services for People With Disabilities (for Direct Service Worker applicants only), shall:

A. inspect the applicant's state driver's license or state identification card and make a good faith effort to determine that it does not appear to have been forged or altered;

B. inspect the copy of applicant's state driver's license or state identification card and make a good faith effort to determine that it appears to be identical to the original; and

C. forward the inspected copy of applicant's state driver's license or state identification card, the completed application and consent form, and all other required identifying information, to the Office of Licensing background screening unit within three business days after the applicant completes and signs the application.

d.i. an application that is illegible, incomplete, unsigned, undated, or lacks a signed consent or required identifying information, may be returned to the individual who submitted it without further action.

ii. an application that is submitted later than three business days after the applicant completes and signs the application may be returned to the individual who submitted it without further action.

iii. an application for annual background screening renewal that is signed or submitted sooner than sixty days preceding the expiration date of the current background screening approval, as required by subsection (1)(a)(ii)(A), may be returned to the individual who submitted it without further action.

2.a. Identifying information submitted pursuant to Sections 62A-2-108.3, 62A-2-120, 62A-3-104.3, 62A-5-103.5, 78-30-3.5(2)(a), and 78-30-3.6 shall be used to search criminal history records, the Licensing Information System, juvenile court records under Section 78-3a-320, and the statewide database.

b. In accordance with Section 62A-5-103.5, a direct service worker who is a direct ancestor or descendant, or who is an aunt, uncle or sibling of the person to whom services are rendered, shall be exempt from a criminal history record search, but shall remain subject to a search of the Licensing Information System, juvenile court records under Section 78-3a-320, and the statewide database.

3.a. Except as permitted by Section 62A-2-120(5), an applicant for an initial background screening shall have no direct access to a child or vulnerable adult prior to receiving written confirmation of background screening approval from the Office of Licensing.

b. Except as permitted by Section 62A-2-120(5), an applicant seeking annual background screening renewal shall have no direct access to a child or vulnerable adult after the background screening expiration date and prior to receiving written confirmation of background screening approval from the Office of Licensing.

4. Upon receipt of a signed, legible, completed application and identifying information, the Office of Licensing shall:

a. investigate and make a preliminary determination of whether the applicant has been charged with any crime and the disposition of any charges; and

b. search the Licensing Information System, juvenile court records, and the statewide database, and make a preliminary determination of whether the applicant has any supported or substantiated findings of abuse, neglect or exploitation.

5.a. The Office of Licensing may defer action on an application until the applicant submits all additional information required by the Office of Licensing.

b. The Office of Licensing may deny an application in the event that an applicant fails to provide all additional information required by the Office of Licensing.

6. The Office of Licensing may notify an applicant of its preliminary determination that the applicant may have a criminal history outside of Utah, and require an applicant to:

a. submit ten-print fingerprint cards completed by a law enforcement agency or an agency approved by the BCI, and a cashier's check or money order for the cost of a nationwide criminal history check, within 15 calendar days of a letter of notification;

b. obtain and submit a certified copy of the applicant's criminal history or records from local, state, federal, or foreign officials within 15 calendar days of a letter of notification.

7. An applicant has not continuously lived in Utah for the five years immediately preceding the date of the application if the applicant has spent four or more consecutive weeks outside Utah, including but not limited to education, volunteer or employment activities, military duty, vacations, or when the applicant maintains an out-of-state driver's license.

8.a. The Office of Licensing shall send all written communications to the applicant or to the applicable human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People

With Disabilities (for Direct Service Worker applicants only) by first-class mail.

b. A human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only) shall provide the applicant with a copy of all written communication from the Office of Licensing within 5 calendar days after the date it is received.

9. The applicant shall promptly notify the Office of Licensing of any change of address while the application remains pending.

R501-14-4. Results of Screening.

1.a. The Office of Licensing shall approve an application for background screening in accordance with Section 62A-2-120(2).

i. The Office of Licensing shall notify the applicant, the applicable licensing specialist, human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only), that the applicant's background screening application is approved.

ii. The approval granted by the Office of Licensing shall be valid for a period not to exceed one calendar year from the date of approval.

iii. Regardless of the application date, an applicant for background screening who is associated with a licensed program shall have an approval expiration date that is 30 calendar days prior to the expiration date of the associated human services program's license.

b. An approval granted by the Office of Licensing shall not be transferable.

i. A new application shall be submitted each time an applicant may have direct access or provide services to a child or vulnerable adult at any human services program other than the program identified on the initial application.

2. The Office of Licensing shall deny an application for background screening in accordance with Section 62A-2-120(3).

3. The Office of Licensing shall refer an application to the Comprehensive

Review Committee for a comprehensive review in accordance with Section 62A-2-120(4).

R501-14-5. Comprehensive Review Committee.

1. The Director of the following Department of Human Services divisions and offices shall appoint one member and one alternate to serve on the Comprehensive Review Committee:

- a. the Executive Director's Office;
- b. the Division of Aging and Adult Services;
- c. the Division of Child and Family Services;
- d. the Division of Juvenile Justice Services;
- e. the Division of Services for People with Disabilities;
- f. the Division of Substance Abuse and Mental Health;
- g. Public Guardian; and
- h. the Office of Licensing.

2. Comprehensive Review Committee members and alternates shall be professional staff persons who are familiar with the programs they represent.

3. The appointed Office of Licensing member shall chair the Comprehensive Review Committee as a non-voting member.

4. Five voting members shall constitute a quorum.

5. The Comprehensive Review Committee shall conduct a comprehensive review of an applicant's background screening application, criminal history records, abuse, neglect or exploitation records, and related circumstances, in accordance with Section 62A-2-120(4).

R501-14-6. Comprehensive Review Investigation.

1. The Comprehensive Review Committee shall not deny a background screening application without the Office of Licensing first sending the applicant a written notice that:

a. the Office is investigating the applicant's criminal history or findings of abuse, neglect or exploitation;

b. the applicant is encouraged to submit any written statements or records that the applicant wants the Comprehensive Review Committee to consider;

c. the Comprehensive Review Committee evaluates information using the criteria established by Section 62A-2-120(4)(b), and the applicant may specifically address these issues; and

d. submissions must be received within 15 calendar days of the written notice.

2. a. The Office of Licensing shall gather information described in Section 62A-2-120(4)(b) and provide available information to the Comprehensive Review Committee.

b. The Office of Licensing may request additional information from any available source, including the applicant, victims, witnesses, investigators, the criminal justice system, law enforcement agencies, the courts and any others it deems necessary for the comprehensive evaluation of an application.

i. The Office of Licensing may defer action on an application until the applicant submits all additional information required by the Office of Licensing.

ii. The Office of Licensing may deny an application in the event that an applicant fails to provide all additional information required by the Office of Licensing.

R501-14-7. Comprehensive Review Determination.

1. The Comprehensive Review Committee shall only consider applications presented by the Office of Licensing. The Comprehensive Review Committee shall evaluate the information provided by the Office of Licensing and any information provided by the applicant.

2. The Comprehensive Review Committee shall recommend approval of the background screening of an applicant with a criminal history only after a simple majority of the voting members of the Comprehensive Review Committee determines that approval will not likely create a risk of harm to a child or vulnerable adult.

3. The Comprehensive Review Committee shall recommend approval of the background screening of an applicant when juvenile court records show that a court made a substantiated finding under Section 78-3a-320 that the applicant committed a severe type of child abuse or neglect, the applicant is listed in the Licensing Information System, or the applicant has a substantiated finding of vulnerable adult abuse, neglect, or exploitation in the statewide database, only after a simple majority of the voting members of the Comprehensive Review Committee determines that the applicant was a child at the time of the incident that is being considered, more than ten years have passed since the date of the incident, and approval will not likely create a risk of harm to a child or vulnerable adult.

4. The Comprehensive Review Committee shall recommend denial of the background screening of an applicant when:

a. juvenile court records show that a court made a substantiated finding under Section 78-3a-320 that the applicant committed a severe type of child abuse or neglect, and the applicant was eighteen years of age or older at the time of the incident;

b. juvenile court records show that a court made a substantiated finding under Section 78-3a-320 that the applicant committed a severe type of child abuse or neglect, the applicant was under the age of eighteen at the time of the incident, and less than ten years have passed since the date of the incident;

c. the applicant is listed in the Licensing Information System, and the applicant was eighteen years of age or older at the time of the incident;

d. the applicant is listed in the Licensing Information System, the applicant was under the age of eighteen at the time of the incident, and less than ten years have passed since the date of the incident;

e. the applicant is listed in the statewide database, has a substantiated finding of vulnerable adult abuse, neglect, or exploitation, and the applicant was eighteen years of age or older at the time of the incident;

f. the applicant is listed in the statewide database, has a substantiated finding of vulnerable adult abuse, neglect, or exploitation, the applicant was under the age of eighteen at the time of the incident, and less than ten years have passed since the date of the incident; or

g. it finds that approval will likely create a risk of harm to a child or vulnerable adult.

5. The Office of Licensing shall approve or deny the applicant's background screening application in accordance with the recommendation of the Comprehensive Review Committee, and send written notification to the applicant, the applicant's licensing specialist, the licensed human services program the applicant is associated with (if any), a certified local inspector applicant's local government employer (if any), a person described in Subsections 62A-3-101(9)(a)(i) through (iv) (if any), or a direct service worker's employer (if any).

6. A background screening approval shall be valid for a period not to exceed one calendar year from the date of approval. Regardless of the application date, an applicant for background screening who is associated with a licensed program shall have an approval expiration date that is 30 calendar days prior to the expiration date of the associated human services program's license.

7. An approval granted by the Office of Licensing shall not be transferable.

a. a new application shall be submitted each time an applicant may have direct access or provide services to a child or vulnerable adult at any human services program other than the program identified on the initial application.

R501-14-8. Post-Approval Responsibilities.

1. An applicant, a human services program the applicant is associated with (if any), a certified local inspector applicant's local government employer (if any), a person described in Subsections 62A-3-101(9)(a)(i) through (iv) (if any), and a direct service worker's employer (if any), shall immediately notify the Office of Licensing if the applicant is charged with any felony, misdemeanor, or infraction, or listed in the Licensing Information System, juvenile court records under Section 78-3a-320, or the statewide database after a background screening application is approved.

a. An applicant who is associated with a human services program shall immediately notify the human services program if the applicant is charged with any felony, misdemeanor, or infraction, or listed in the Licensing Information System, juvenile court records under Section 78-3a-320, or the statewide database.

2. An applicant who has received an approved background screening shall resubmit an application and identifying information to the Office of Licensing within ten calendar days after being charged with any felony, misdemeanor, or infraction, or being listed in the Licensing Information System, the statewide database, or juvenile court records under Section 78-3a-320.

3. An applicant who has been charged with any felony, misdemeanor, or infraction or listed in the Licensing Information System or the statewide database, or juvenile court records under Section 78-3a-320, after a background screening application is approved shall have no unsupervised direct access to a child or vulnerable adult until after an application and identifying information have been resubmitted to the Office of Licensing and a current background screening approval is received from the Office of Licensing.

4.a. An applicant charged with an offense for which there is no final disposition shall inform the Office of Licensing of the current status of each case.

b. The Office of Licensing shall determine whether the charge could require a denial or committee review, and if so, notify the applicant to submit a certified copy of judicial documentation that indicates the current status of the case at least once every 3 months until final disposition.

c. An applicant shall submit a certified copy of judicial documentation that indicates the current status of the case at least once every 3 months until final disposition.

5. The Office of Licensing may revoke the background screening approval of an applicant who:

a. has been charged with any felony, misdemeanor, or infraction or is listed in the Licensing Information System, the statewide database, or juvenile court records under Section 78-3a-320; or

b. fails to provide required current status information; and

c. will likely create a risk of harm to a child or vulnerable adult, as determined by the Office of Licensing.

6. The Office of Licensing shall process identifying information received pursuant to R501-14-8.2 in accordance with R501-14.

R501-14-9. Confidentiality.

1. The Office of Licensing may disclose criminal background screening information, including information acknowledging the existence or non-existence of a criminal history, only to the Applicant, the applicable human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only), and in accordance with the Government Records Access and Management Act, Section 63-2-101, et seq.

2. Background screening approvals may not be transferred or shared between human service programs.

R501-14-10. Retention of Background Screening Information.

A human services program shall retain the background screening information of all individuals associated with the program

for a minimum of three years after the termination of the individual's association with the program.

R501-14-11. Expungement.

An applicant whose background screening application has been denied due to the applicant's criminal record may submit a new application with a certified copy of an Order of Expungement.

R501-14-12. Administrative Hearing.

A notice of agency action that denies or revokes the applicant's background screening application shall inform the applicant of the right to appeal in accordance with Administrative Rule 497-100 and Section 63-46b-0.5, et seq.

R501-14-13. Compliance.

Any licensee that is in operation on the effective date of this rule shall be given 30 days after the effective date to achieve compliance with this rule.

KEY: licensing, background screening

2005

62A-2-108 et seq.



Human Services, Aging and Adult Services

R510-401

Utah Caregiver Support Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28190

FILED: 09/01/2005, 09:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change clarifies some provisions in the current rule, increases the authority of the Area Agencies on Aging to waive certain expenditure limitations without approval of the Division, and adds an additional acceptable use for certain funds used to augment care giver supportive services.

SUMMARY OF THE RULE OR CHANGE: The change will permit the Area Agencies to exceed certain expenditure limitations without approval of the Division of Aging and Adult Services, provides authority to the Division to annually establish expenditure limitations, clarifies some of the provisions of the current rule and expands upon definition of supplemental services to increase flexible nature of the program

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 62A-3-104(5) and 63A-3-104(4)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: It is anticipated that the changes will not affect the overall cost of the program. While certain expenditure limits can be waived by Area Agencies on Aging, past instances of waivers have been few and each Area

Agency on Aging is limited as to their total expenditures. The care giver support program does not establish an entitlement to services.

❖ LOCAL GOVERNMENTS: The program is funded with federal and state funds. No local funds are required nor is an entitlement established. Therefore, there are no costs or savings to local government.

❖ OTHER PERSONS: All funding for the program is provided with federal and state funds. The rule does not require recipients of service to contribute to the cost of the program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs are included in the ongoing appropriation of the Division of Aging and Adult Services. The rule does not increase compliance activities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact is projected since the changes reflect clarification and redefinition of compliance requirements that have been discussed at length with the affected Area Agencies on Aging. Lisa Michelle Church, Executive Director

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mike Bednarek or Sheldon Elman at the above address, by phone at 801-538-3922 or 801-538-3921, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at mjbednarek@utah.gov or selman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Lisa-Michele Church, Executive Director

R510. Human Services, Aging and Adult Services.

R510-401. Utah Caregiver Support Program (UCSP).

R510-401-2. Definitions.

- (1) "Adult" means an individual who is 18 years of age or older.
- (2) "Agency or Area Agency on Aging (AAA)" means the agency designated by the Division of Aging and Adult Services (DAAS) to coordinate and provide services for a defined geographical area.
- (3) "Agency Director" means the director of the Agency.
- (4) "Caregiver or Family Caregiver" means an adult family member, or another adult individual, who is an informal provider of in-home and community care to an older individual who is:
 - (a) 60 years of age or older; or is a
 - (b) caregiver 60 years of age or older who is caring for persons with mental retardation or related developmental disabilities; or is a
 - (c) grandparent or older individual who is a relative caregiver of a child not more than 18 years of age.

This definition excludes agency and privately-paid supportive service providers.

(5) "Care Receiver" means an adult 60 years of age or older who receives assistance from, or is dependent upon, another for care and is:

(a) unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

(b) due to a cognitive or other mental impairment, requires substantial supervision.

(6) "Companion Services" means non-medical, basic supervisory services which are provided to the eligible care receiver in his home on a short-term, intermittent basis. Companion Services provide respite to a caregiver who is caring for eligible care receivers who do not require any personal care assistance, medical assistance, or housekeeping services during the time when companion services are provided.

(7) "Child" means an individual who is not more than 18 years of age.

(8) "Counseling, Support Groups, or Caregiver Training" means provision of advice, guidance, and education about options and methods of caregiving to provide support to caregivers in an individual or group setting.

(9) "Director" means the director of the Division of Aging and Adult Services (DAAS), Utah Department of Human Services).

(10) "Division" means the Division of Aging and Adult Services (DAAS), Utah Department of Human Services.

(11) "Formal Resources" means an entity or individual that provides services for a fee or reimbursement.

(12) "Grandparent or Older Individual who is a Relative Caregiver" means a grandparent or step-grandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and:

(a) lives with the child;

(b) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and,

(c) has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

(13) "Informal Resources" means family, friends, neighbors, community organizations or others who offer resources and support and are not assigned by formal agencies or organizations, irrespective of any payment received.

(14) "Multifaceted Systems" means a variety of systems of support for the caregiver including but not limited to those described in the required five service categories of the (NFCSP), Title IIIIE of the Older Americans Act, as amended in 2000.

(15) "National Family Caregiver Support Program or NFCSP" is the federal program enacted as P. L. 106-501, Title IIIIE of the Older Americans Act, P. L. 89-73, 42 USC Section 3001 et seq., as amended in 2000.

(16) "Relief" means ease from or lessening of discomfort, anxiety, fear, stress, or burden.

(17) "Respite or Respite Care" is ~~considered to be~~ temporary, substitute supports or living arrangements to provide a brief period of relief or rest for caregivers as outlined in the service plan developed by a case manager following a formal assessment. It can be in the form of in-home respite, adult day care respite, or institutional respite for an

overnight stay on an intermittent, occasional, or emergency basis. Respite can be provided for a caregiver for no more than 12 consecutive months from the date of enrollment and shall not exceed ~~[\$1,500 for that time period]~~ the annual service expenditure limit per client, as established by the Division in consultation the Area Agencies on Aging annually. If either condition is met, the client must come off of the program and then may reapply on the anniversary of the start of services. Temporary respite may not be provided by the twenty percent (20%) maximum supplemental services funds.

(1[7]8) "Service Plan" means a written plan which contains a description of the needs of the caregiver, the care recipient, and the services and goals necessary to meet those needs.

(1[8]9) "Supplemental Services" means other services to complement the care of caregivers, on a limited basis as determined by a case manager through the assessment process and included in a service plan. Supplemental services shall serve to maximize the support of caregivers and shall be flexible, adaptable, and responsive to the needs of the individual caregiver or care receiver ~~[where ever]~~ wherever they reside in the State of Utah. Services provided under supplemental services shall not fall into other categories defined in the UCSP or the NFCSP.

Expenditures for Supplemental Services are not included in the annual established service expenditure limit for Respite.

Necessity for supplemental services shall be specified in the service plan goals. Reimbursement shall include the purchase and/or rental, installation, removal, replacement, or repair of approved items or services for the twelve months that the client is on the program. The case manager will document in the client file all funding resources explored and reasons alternative funding cannot be accessed. Items or services exceeding \$250 per purchase must be prior approved by the Agency Director based on a formal written request by the ~~[C]case~~ [M]manager or designee documenting the determination of need and estimated cost. A copy of said approved waiver request will be sent to the Division. A copy will be placed by the Agency in the client file.

(a) "Supplies or Equipment" means durable and non-durable goods purchased and/or rented under supplemental services to provide support and assistance to caregivers in their caregiving responsibilities. Reimbursement shall include the purchase of supplies, and the purchase, and/or rental, installation, removal, replacement or repair of approved equipment.

(b) "Modifications or durable adaptive aids and devices" purchased as supplemental services shall be one-time purchases to provide support and assistance to caregivers in their caregiving responsibilities. Minor modifications of homes shall facilitate the ability of older individuals to remain at home or provide for the safety of the care receiver. Adaptive aids and devices shall assist the caregivers helping care receivers to perform normal living activities, and shall include the cost of any necessary installation fitting, adjustment, repair, and training. Adaptive aids and devices may be fabricated by a professional if the care receiver needs specialized aids and devices.

(c) "Legal, Financial, or Placement Services" purchased as supplemental services shall provide support and assistance to caregivers in their caregiving responsibilities. Services will provide the caregiver with legal, financial, and placement advice, counseling, and representation by an attorney, certified financial advisor, or other person acting under the supervision of an attorney, certified financial advisor, or placement professional.

(d) "Miscellaneous" services shall provide support and assistance to caregivers in their caregiving responsibilities. Miscellaneous services will facilitate the ability to provide services to caregivers that arise from

unusual circumstances and shall assist the caregiver in performing their caregiving responsibilities.

~~(19)20~~ "Waiver" means an intentional release in writing by the Agency Director or designee~~[Division]~~, as authorized in the rules, from a program limitation ~~or criterion~~ included in these rules.

R510-401-3. Eligibility for Services.

(1) Services listed in Section R510-401-5 are available to caregivers, grandparents and older individuals who are relative caregivers.

(2) Respite care and Supplemental Services are available to caregivers who are:

(a) caregivers of adults 60 years of age or older

(b) caregivers 60 years of age or older caring for persons with mental retardation or related developmental disabilities; or are

(c) grandparents or older individuals who are a relative caregiver of a child not more than 18 years of age.

(3) To provide respite and supplemental services to caregivers of adults 60 years of age or older, the care receiver must be functionally impaired because the individual is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical [earring]cueing or supervision[-]; or due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual. The caregiver must demonstrate a medium-to-high risk score according to the DAAS Approved Demographic Intake and Screening tool and complete the DAAS-approved Assessment and DAAS-approved Burden score.

~~(4) [The DAAS-approved assessment tool shall be completed to establish eligibility for Respite and Supplemental Services as stated in Section R510-401-5(3)].~~ In the event that there is insufficient funds to bring an individual on the program the Agency shall maintain a list of potential applicants. All potential applicants will be served in turn by using the DAAS-approved Demographic Intake and Risk Screening tool and a Caregiver Burden score to determine eligibility for services.

R510-401-5. Program Content.

(1) Each Area Agency on Aging shall provide a multifaceted system of caregiver support services for caregivers and, if funded, for grandparents or older individuals who are relative caregivers to include:

(a) information to caregivers about available services;

(b) individual, one-on-one assistance to caregivers in gaining access to services in the form of information and assistance or case management. Assistance may include but is not limited to such activities as phone contact and home visits;

(c) individual counseling, support groups, and caregiver training to assist the caregivers in making decisions and solving problems relating to their caregiving roles;

(d) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

(e) supplemental services, on a limited basis, to complement the care provided by caregivers.

(2) The Area Agency on Aging shall use the DAAS-approved Demographic Intake and Risk Screening form and assessment tool to determine eligibility for respite and supplemental services and said tools shall be kept in the client file.

(3) Prior to receiving respite or supplemental services the Area Agency on Aging shall develop a written service plan including goals and objectives for the caregiver, which shall be kept in the client file.

(4) The Area Agency on Aging shall ensure the provision of the full range of caregiver support services in the community by coordinating its activities with the activities of other community agencies and voluntary organizations providing supportive services to family caregivers and, if funded, grandparents or older individuals who are relative caregivers of children.

(5) Older Americans Act information and services shall be provided to family caregivers in a direct and helpful manner. In cases where caregiver support programs already exist within the community, coordination of these programs and the UCSP is essential to maximize the dollars available for family caregivers and avoid duplication of services.

(6) To assure coordination of caregiver services in the planning and service area, the Area Agency on Aging shall convene a minimum of one joint planning meeting annually with other local providers who currently provide support services to family caregivers. As practical, the Area Agency on Aging shall coordinate the activities under this program with other community agencies and voluntary organizations providing services to caregivers.

(7) Funds allocated on an annual basis under the UCSP for services provided by an Area Agency on Aging shall be expended as follows:

(a) Information to caregivers about available services: the Area Agency on Aging may not use less than three percent of the funds allocated under the UCSP to provide these services.

(b) Assistance to caregivers in gaining access to the services: the Area Agency on Aging may not use less than five percent of the funds allocated under the UCSP to provide these services.

(c) Individual counseling, organization of support groups, and caregiver training to caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles: The Area Agency on Aging may not use less than five percent of the funds allocated under the UCSP to provide these services.

(d) Respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities: The Area Agency on Aging may not use less than five percent of the funds allocated under the UCSP to provide these services.

(e) Supplemental services, on a limited basis, to complement the care provided by caregivers: The Area Agency on Aging may not use more than twenty percent of the funds allocated under the UCSP to provide these services.

(f) The Area Agency on Aging shall spend no more than ~~[10%]~~ten percent of funds on services provided to grandparents and other individuals who are relative caregivers of children.

If a customer discontinues respite and/or supplemental services before the end of the twelve-month period and before the annual established service expenditure limit per client is reached, the case shall be closed. The caregiver may then reapply subsequent to the case closing but shall do so within twelve months from the original date of enrollment.

R510-401-6. Caregiver Advisory Council.

(1) The Area Agency on Aging shall develop and maintain a Caregiver Advisory Council.

(2) The Caregiver Advisory Council may be a subgroup of the Area Agency on Aging Advisory Council providing they meet the requirements set forth in the rule.

(a) The Caregiver Advisory Council ~~[shall]~~may be comprised of no less than five members, some of whom ~~[the majority]~~ shall be caregivers.

(3) The Caregiver Advisory Council shall meet no less than semiannually, and meetings shall be scheduled by each Area Agency on Aging.

(4) The duties of the Caregiver Advisory Council shall include but not be limited to conducting an annual client satisfaction survey for the caregiver program.

(5) The Caregiver Advisory Council shall advise the Area Agency on Aging in determining service needs and developing action plans. When there is a concern over the use of limited resources for Respite Care and Supplemental Services, the Area Agencies on Aging, in consultation with their Caregiver Advisory Council, may further limit the amount of services provided to an individual caregiver. This local policy decision shall be in writing and shall be uniform for all caregivers for the current fiscal year.

(6) The Area Agency on Aging shall be responsible for developing orientations for Caregiver Advisory Councils on caregiver issues and responding to community needs.

R510-401-10. Waiver for Respite and Supplemental Services.

An Area Agency on Aging may request in writing a waiver for Respite and Supplemental Services in order to enable the caregiver to carry out their duties in assisting the care receiver. In requesting a waiver, the Area Agency on Aging must demonstrate that effort has been made to access other sources of services or funds. The Agency Director may grant a waiver for Supplemental Services or Respite on a case-by-case basis provided that such waiver is consistent with the law. A copy of the approved waiver request must be placed in the client file and a copy sent in writing to the Division.]

~~R510-401-11. Waiver for Respite Services.~~

~~An Area Agency on Aging may request a waiver for Respite Services to enable the caregiver to carry out their duties in assisting the care receiver. In requesting a waiver, the Area Agency on Aging must demonstrate that effort has been made to access other sources of services or funds. The Division and the Agency Director may grant a waiver for Respite Services on a case-by-case basis provided such waiver is consistent with the law. This waiver request must be in writing to the Division. If the Agency Director approves the request, the approved written request is submitted to the Division for either approval or denial. The Division has ten working days to respond. The decision of the Division becomes the final decision.]~~

KEY: caregiver, care receiver, elderly, respite

~~[April 16, 2003]~~**2005**

Notice of Continuation June 22, 2005

63A-3-104(4)

62A-3-104(5)



Insurance, Administration

R590-102

Insurance Department Fee Payment
Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28174

FILED: 08/26/2005, 12:09

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to this rule are being made to comply with Subsections 31A-3-103(4) and 31A-3-103(5) which require the department to publish a schedule of fees and to establish fee payment deadlines by rule. The fees being added to this rule are a result of passage in 2005 of H.B. 1, the Annual Appropriations Act. (DAR NOTE: H.B. 1 (2005) is found at UT L 2005 Ch 8, and was effective 07/01/2005.)

SUMMARY OF THE RULE OR CHANGE: The department added late fees, fees for two new programs (prescription drug plans and health discount programs), and deleted two fees for programs deleted by legislation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-3-103

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes will not require the department to add or reduce personnel, however, there should be some increase in General Fund revenue.

❖ LOCAL GOVERNMENTS: The changes to this rule will have no fiscal impact on local governments. It only deals with the relationship between licensees of the department and those who use our services.

❖ OTHER PERSONS: The new programs will be required to pay fees. All prescription drug plans and health discount programs that want to do business in the state have to become licensed. The costs are: 1) for the prescription drug plan: \$1,002 for the initial license and \$302 for a renewal license; and 2) for the health discount plan: \$252 for the initial license and \$202 for renewal. At this point, how many applicants will apply for licensure is unknown. These license fees will have a minimal impact on consumers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The new programs will be required to pay fees. All prescription drug plans and health discount programs that want to do business in the state have to become licensed. The costs are: 1) for the prescription drug plan: \$1,002 for the initial license and \$302 for a renewal license; and 2) for the health discount plan: \$252 for the initial license and \$202 for renewal. At this point, how many applicants will apply for licensure is unknown. These license fees will have a minimal impact on consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is a fiscal impact on new licensees of prescription drug plans and health discount programs due to a new licensing requirement. D. Kent Michie, Insurance Commissioner

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

INSURANCE
ADMINISTRATION

Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.**R590-102. Insurance Department Fee Payment Rule.****R590-102-3. Definitions.**

For the purposes of this rule the following definitions will apply.

(1) "Admitted insurers" include: fraternal, health, health maintenance organization, life, limited health plan, motor club, non-profit health service, property-casualty, ~~and~~ title insurers, and a prescription drug plan.

(2) "Agency" means:

(a) a person, other than an individual, including a sole proprietorship by which a natural person does business under an assumed name; and

(b) an insurance organization required to be licensed under Subsections ~~[31A-23-212(3)]~~ 31A-23a-301, 31A-25-207, and 31A-26-209.

(3) "Captive insurer" includes association captive, branch captive, industrial insured captive, pure captive, and sponsored captive.

(4) "Deadline" means the date or time imposed by statute, order, or rule by which:

(a) a payment must be received by the department without incurring penalties for late payment or non-payment; or

(b) a filing must be received by the department without incurring penalties for late receipt or non-receipt.

(5) "Fee" means an amount set by the legislature for licenses, registrations, certificates, and other filings and services provided by the Insurance Department.

(6) "Full-line agency" includes producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third party administrator.

(7) "Full-line individual" includes a producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third party administrator.

(8) "Limited-line agency" includes bail bond and limited-line producer.

(9) "Limited-line individual" includes bail bond agent, limited-lines producer and customer service representative.

(10) "Other organizations" include: home warranty, joint underwriter, purchasing group, rate service organization, risk retention group, service contract provider, surplus line insurer, accredited reinsurer, ~~and~~ trustee reinsurer, and health discount program.

(11) "Paper filing" means each item of a filing that must be manually entered into the department's database because it was submitted by some method such as paper facsimile, or email rather than submitted electronically when the department has mandated an electronic filing method.

(12) "Received by the department" means:

(a) except as provided in Subsection R590-102-3(11)(b), the date delivered to and stamped received by the department, whether delivered in person or electronically; or

(b) if delivered to the department by a delivery service, the delivery service's postmark date or pick-up date unless a statute, rule, or order related to a specific filing or payment provides otherwise.

R590-102-4. General Instructions.

(1) Any fee payable to the department not included in Subsections R590-102-5 through 14, shall be due when service is requested, if applicable, otherwise by the due date on the invoice. A non-electronic payment fee will be added to the fee due the department when a payment that can be made electronically is done through a non-electronic method.

(2) Payment.

(a) Checks shall be made payable to the Utah Insurance Department. A check that is dishonored in the process of the collection will not constitute payment of the fee for which it was issued and any action taken based on the payment will be voided. Late fees and other penalties, resulting from the voided action will apply until proper payment is made. A check payment that is dishonored is a violation of this rule.

(b) Cash payments. The department is not responsible for un-receipted cash that is lost or misdelivered.

(c) Electronic payments.

(i) Credit Card. Credit cards may be used to pay any fee due to the department. Credit card payments that are dishonored will not constitute payment of the fee and any action taken based on the payment will be voided. Late fees and other penalties, resulting from the voided action, will apply until proper payment is made. A credit card payment that is dishonored is a violation of this rule.

(ii) Automated clearinghouse (ACH). Payers or purchasers desiring to use this method must contact the department for the proper routing and transit information. Payments that are made in error to another agency or that are not deposited into the department's account will not constitute payment of the fee and any action taken based on the payment will be voided. Late fees and other penalties resulting from the voided action will apply until proper payment is made. An ACH payment that is dishonored is a violation of this rule.

(3) Retaliation. The fees enumerated in this rule are not subject to retaliation in accordance with Section 31A-3-401 if other states or countries impose higher fees.

(4) Refunds.

(a) All fees in this rule are non-refundable.

(b) Overpayments of fees are refundable.

(c) Requests for return of overpayments must be in writing.

~~(5) Implementation date.~~

~~(a) All fees, except resident and non-resident individual and agency license renewal fees, are implemented November 1, 2003.~~

~~(b) Resident and non-resident individual and agency license renewal fees are implemented December 1, 2003.~~

~~(6) A non-electronic processing fee will be assessed for a particular service if the department has established an electronic process for that service. See Section 12 for non-electronic processing fees.~~

R590-102-5. Admitted Insurer Annual License and Annual Service Fees.

(1) Annual license fees.

(a) certificate of authority, initial license application - due with license application: \$1,002;

(b) certificate of authority - renewal - due by the due date on the invoice: \$302;

(c) certificate of authority - late renewal - due for any renewal paid after the date on the invoice: \$352;

~~(d)~~ certificate of authority - reinstatement - due with application for reinstatement: \$1,002;

~~(e)~~ certificate of authority - amendments - due with request for amendment: \$252;

~~(f)~~ application for merger, acquisition, or change of control - Form A, due with filing: \$2,002. Expenses incurred for consultant(s) services necessary to evaluate the Form A will be charged to the applicant and due when billed;

~~(g)~~ redomestication filing - due with filing: \$2,002; and

~~(h)~~ application for organizational permit for mutual insurer to solicit applications for qualifying insurance policies or subscriptions for mutual bonds or contribution notes - due with application: \$1,002.

(2) The annual initial or annual renewal license fee includes the following licensing services for which no additional fee is required:

(a) filing annual statement and report of Utah business - due annually on March 1;

(b) filing holding company registration statement - Form B;

(c) filing application for material transactions between affiliated companies - Form D;

(d) application for: stock solicitation permit, public offering filing, but not an SEC filing; an SEC filing; private placement offering; and

(e) application for individual license to solicit in accordance with the stock solicitation permit.

(3) Annual service fee:

(a) Due annually by the due date on the invoice. The fee is based on the Utah premium as shown in the latest annual statement on file with the National Association of Insurance Commissioners (NAIC) and the department. Fee calculation example: the 2004 annual service fee calculation will use the Utah premium shown in the December 31, 2003 annual statement.

(i) \$0 premium volume: no service fee;

(ii) more than \$zero but less than \$1 million in premium volume: \$700;

(iii) \$1 million but less than \$3 million in premium volume: \$1,100;

(iv) \$3 million but less than \$6 million in premium volume: \$1,550;

(v) \$6 million but less than \$11 million in premium volume: \$2,100;

(vi) \$11 million but less than \$15 million in premium volume: \$2,750;

(vii) \$15 million but less than \$20 million in premium volume: \$3,500; and

(viii) \$20 million or more in premium volume: \$4,350.

(b) The annual service fee includes the following services for which no additional fee is required:

(i) filing of amendments to articles of incorporation, charter, or bylaws;

(ii) filing of power of attorney;

(iii) filing of registered agent;

(iv) affixing commissioner's seal and certifying any paper;

- (v) filing of authorization to appoint and remove agents;
 - (vi) filing of producer/agency appointment with an insurer - initial;
 - (vii) filing of producer/agency appointment with an insurer - termination;[
 - ~~(viii) filing of producer/agency appointment with an insurer - biennial renewal;]~~
 - ~~(ix)~~ report filing, all lines of insurance;
 - (ix) rate filing, all lines of insurance; and
 - (x[i]) form filing, all lines of insurance.
- (c) The annual service fee is for services that the department will provide for an admitted insurer during the year. The fee is paid in advance of providing the services.

R590-102-6. Surplus Lines Insurer, Accredited Reinsurer, Trusted Reinsurer, Other Organizations Annual License and Annual Service Fees.

- (1) Annual license fee.
 - (a) other organization:
 - (i) other organization[s] - initial - due with application: \$252;
 - ~~(b)[ii]~~ other organization[s] - renewal - due annually by the due date on the invoice: \$202;
 - ~~(iii) other organization - late renewal - due for any renewal paid after the date on the invoice: \$252;~~
 - ~~(e)[iv]~~ other organization - reinstatement - due with application for reinstatement: \$252;
 - ~~(d)[v]~~ The annual other organizations initial or renewal fee includes the risk retention group annual statement filing - due annually on May 1.
 - ~~(e)[b]~~ surplus line insurer, accredited reinsurer, and trusted reinsurer:
 - (i) surplus lines insurer, accredited reinsurer, and trusted reinsurer - initial - due with application \$1,002.
 - (ii) surplus lines insurer, accredited reinsurer, and trusted reinsurer - renewal - due annually by the due date on the invoice: \$302;
 - ~~(iii) surplus lines insurer, accredited reinsurer, and trusted reinsurer - late renewal - due for any renewal paid after the date on the invoice: \$352;~~
 - ~~(iii)[iv]~~ surplus lines insurer, accredited reinsurer, and trusted reinsurer - reinstatement - due with application for reinstatement: \$1,002;
 - ~~(i)[v]~~ The annual initial or renewal surplus line license fee includes the surplus lines annual statement filing for:
 - (A) U.S. companies - due annually on May 1; and
 - (B) foreign companies - due within 60 days of the annual statement's filing with the insurance regulatory authority where the company is domiciled.
 - ~~(v)[vi]~~ The annual initial or renewal accredited reinsurer and trusted reinsurer license fee includes the annual statement filing - due annually on March 1.
 - (2) Annual service fee:
 - (a) Other organization[s] - due annually by the due date on the invoice: \$200.
 - (b) Surplus lines insurer, accredited reinsurer, and trusted reinsurer - due annually by the due date on the invoice: \$200
 - (c) The annual service fee includes the following services for which no additional fee is required:
 - (i) filing of power of attorney;
 - (ii) filing of registered agent;
 - (iii) rate, form, report or service contract filing; and
 - (iv) any other services provided to the licensee.

- (d) The annual service fee is for services that the department will provide during the year. The fee is paid in advance of providing the services.

R590-102-7. Captive Insurer Fees.

- (1) Initial license application - due with license application: \$202.
- (2) Initial license application review - due by the due date on the invoice: actual costs incurred by the department to review the application.
- (3) Annual license fees:
 - (a) initial - due by the due date on the invoice: ~~[\$302]~~5,002;
 - (b) renewal - due by the due date on the invoice: ~~[\$302]~~5,002;
 - ~~(c) late renewal - due for any renewal paid after the date on the invoice: \$5,052;[and]~~
 - ~~(e)[d]~~ reinstatement - due with application for reinstatement: ~~[\$302]~~5,002.[
 - ~~(4) Annual service fee - due by the due date on the invoice: \$200.]~~

R590-102-8. Viatical Settlement Provider Fees.

- (1) Annual license fees:
 - (a) initial - due with application: \$1,002;
 - (b) renewal - due by the due date on the invoice: \$302;[and]
 - ~~(c) late renewal - due for any renewal paid after the date on the invoice: \$352;~~
 - ~~(e)[d]~~ reinstatement - due with reinstatement application: \$1,002.
 - (2) Annual service fee - due by the due date on the invoice: \$600.

R590-102-9. Individual Resident and Non-Resident Biennial License Fees.

- (1) Resident and non-resident full-line individual initial license or renewal fee for two-year period:
 - (a) initial license fee - due with application: \$72;
 - (b) express initial license fee - due with application: \$72;
 - (c) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$72;
 - (d) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$142;[and]
 - (e) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: \$192.
- (2) Resident and non-resident limited-line individual initial or renewal license fee, for two-year period:
 - (a) initial license fee - due with application: \$47;
 - (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$47;
 - (c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$92;[and]
 - (d) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: \$142.
- (3) Fee for addition of producer classification or line of authority to individual producer license - due with request for additional classification or line of authority: \$27.
- (4) The initial and renewal full-line producer and limited-line producer fee includes the following services for which no additional fee is required:
 - (a) issuance of letter of certification;
 - (b) issuance of letter of clearance;

(c) issuance of duplicate license;
 (d) individual continuing education services; and
 (e) other services provided to the licensee.
 (5) The initial and renewal individual license fee includes services the department will provide during the year. The fee is paid in advance of providing the services.

R590-102-10. Biennial Agency License Fees.

(1) Resident and non-resident agency initial or renewal license per two-year license period for a full-line agency and for a limited-line agency:

(a) initial license fee - due with application: \$77;
 (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$77;
 (c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$152; ~~and~~
 (d) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: \$202.
 (2) Fee for addition of producer classification or line of authority to agency license - due with request for additional classification or line of authority: \$27.

(3) Bail bond agency per annual license period:
 (a) initial license fee - due with application: \$252;
 (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$252;
 (c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$502; and
 (d) lapsed license reinstatement fee if reinstated 31 days after renewal deadline - due with application for reinstatement: \$602.

(4) Health insurance purchasing alliance annual license:
 (a) initial license fee - due with application: \$502;
 (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$502;

(c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$752; and

(d) lapsed license reinstatement fee if reinstated 31 days after renewal deadline - due with application for reinstatement: \$802.

(5) The initial and renewal agency license fee includes the following services for which no additional fee is required:

(a) issuance of letter of certification;
 (b) issuance of letter of clearance;
 (c) issuance of duplicate license;
 (d) filing of producer designation to agency license - initial;
 (e) filing of producer designation to agency license - termination;
~~(f) filing of producer designation to agency license - biennial renewal;~~

~~(g)~~ filing of amendment to agency license;
~~(h)~~ filing of power of attorney; and
~~(i)~~ any other services provided to the licensee.
 (6) The initial and renewal agency license fee includes services the department will provide during the year. The fee is paid in advance of providing the services.

(7) Title agency filing (rate, form, or report) - due with filing: \$25.

R590-102-11. Continuing Education Fees.

(1) Continuing education provider license fees:
 (a) initial license fee - due with application: \$252;
 (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$252;
 (c) ~~late~~ renewal license fee if renewed 1 through 60-days after renewal deadline and prior to license lapse - due with renewal application: \$302; and
 (d) Lapsed license reinstatement fee if reinstated 61 days after renewal deadline - due with application for reinstatement: \$352.
 (2) Continuing education course post-approval fee - due with request for approval: \$5 per credit hour, minimum fee \$27.

R590-102-12. Non-electronic Processing Fees.

(1) Paper filing processing fee - assessed on a non-electronic filing when the department has mandated the use of an electronic filing process - due with each paper filing or by the due date on the invoice: \$5.

(2) Paper application processing fee - assessed on a non-electronic application when the department has mandated the use of an electronic application process - due with each paper application or by the due date on the invoice: \$25.

R590-102-13. Dedicated Fees.

The following are fees dedicated to specific uses:

(1) annual fraud assessment fee - due by the due date on the invoice;
 (2) annual title assessment fee - due by the due date on the invoice;
 (3) relative value study book fee - due when book purchased or by invoice due date: \$12; and
 (4) mailing fee for books - due if book is to be mailed to purchaser: \$3.

R590-102-14. Electronic Commerce Dedicated Fees.

(1) E-commerce and internet technology services fee:
 (a) admitted insurer and surplus lines insurer - due with the annual initial, annual renewal, or reinstatement application: \$75;
 (b) captive insurer - due with the annual initial, annual renewal, or reinstatement application: \$~~1,000~~250;
 (c) other organization and viatical settlement provider - due with the annual initial, annual renewal, or reinstatement application: \$50;
 (d) continuing education provider - due with the annual initial, annual renewal, or reinstatement application: \$20;
 (e) agency - due with the biennial initial, biennial renewal, or reinstatement application: \$10; ~~and~~
 (f) individual - due with the biennial initial, biennial renewal, or reinstatement application: \$5.

(2) The e-commerce and internet technology services fees are authorized until July 1, 2006.

(3) Database access fee - due when the department's database is accessed to input or acquire data: \$3 per transaction.

KEY: insurance

~~September 1, 2004~~2005

Notice of Continuation February 21, 2002

31A-3-103



Natural Resources, Parks and
Recreation
R651-222-5
Muffler Bypass or Alteration Prohibited

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28162

FILED: 08/18/2005, 09:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to allow certain cutout switches if the muffling systems meet the requirements in this rule. It will also clear up the language to conform with park law enforcement, and remove some of the pressures that face boat dealers who are selling vessels since switches are already installed.

SUMMARY OF THE RULE OR CHANGE: Previously, it has been illegal for a vessel to have a muffler cutout switch unless it has been made inoperable. Manufacturers have continued to put these switches in the vessels, and now both exhaust systems do meet the decibel levels set in rule. Therefore, it is recommended that if both muffling systems meet all requirements they be allowed, as modified in this amendment to the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 73-18-11

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There may be some costs to post signs indicating that motors less than 10 hp are allowed in launching areas. There are no significant costs or savings anticipated to the state budget.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government because the state licenses the boats and State Parks and Recreation does the law enforcement for most bodies of water in Utah. Therefore, it is not a local government issue, but rather a state agency issue.

❖ **OTHER PERSONS:** Vessels already come with the muffler cutout switches as standard vessel equipment, and therefore, there are no anticipated costs expected to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Those who comply with the decibel range set by the manufacturers will be allowed to use the cutout switches on their vessels. Cutout switches are not required, but come standard in most boats today. They allow a boat owner to go from one exhaust to the other, if both exhausts meet the same decibel criteria. Recently, one did and the other did not, that is why they could not use the cutout switch, but now the boat manufacturers have made them equal in decibels so the cutout can go from one to the other exhaust. One exhaust goes out the back to increase speed and one goes over the engine and down into the water for a quieter ride. Now they can use either if within the decibel range.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The muffler cutout switch has always, and continues to be placed in vessels by manufacturers of the vessels. Therefore, there is no significant change as to purchasing added equipment, and the cost of operating is the same. Because no cutout switches or other equipment has to be added, the Department finds there will be no fiscal impact on businesses. Mike Styler, Executive Director

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

NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Mary Tullius, Director

**R651. Natural Resources, Parks and Recreation.
R651-222. Muffling Requirements.
R651-222-5. Muffler Bypass or Alteration Prohibited.**

(1) No person shall operate or give permission for the operation of any motorboat upon the waters of this state that is equipped with an altered muffler, muffler cutout, muffler bypass, or other device designed or installed so that it can be used to continually or intermittently bypass; or reduce or eliminate the effectiveness of any muffler or muffler system installed on a motorboat.

(2) Rule R651-222-5 (1) shall not apply to a motorboat equipped with a muffler cutout, muffler bypass, or other device designed or installed so that it can be used to continually or intermittently bypass; or reduce or eliminate the effectiveness of any muffler or muffler system installed on a motorboat, (a) if the mechanism has been permanently disconnected or made inoperable, where it cannot be operated in the manner described in Rule R651-222-5 (1), or (b) the muffling systems operated by the bypass meet the requirements in R651-222-3.

KEY: boating, motorboat noise^[§]

[1991]October 18, 2005

**Notice of Continuation August 7, 2001
73-18-11**



Natural Resources, Parks and
Recreation
R651-611
Fee Schedule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28169

FILED: 08/25/2005, 14:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Parks board determined that it would be advantageous to the Division, if parks were authorized to determine services applicable to their parks, the cost of which could be properly passed on to the visiting public. In order to allow this to happen, it was necessary to eliminate fees that fall into this category from the fee schedule. Certain golfing and camping fees are being increased to offset costs of operation at the state parks and state park golf courses.

SUMMARY OF THE RULE OR CHANGE: The decision of the Parks board allows parks to set, raise, or lower fees or charges that apply only to their park. This does not eliminate the fact that some parks may have identical charges. It does, however give the park manager the latitude to quickly meet changing economic conditions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(8)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** It is anticipated that the changes in fees charged at Utah state parks will increase Division revenues by approximately \$400,000, annually.

❖ **LOCAL GOVERNMENTS:** It is anticipated that local governments, statewide, will gather between \$20,000 and \$30,000 in sales, resort, and transient room taxes, additionally, each year because of the change.

❖ **OTHER PERSONS:** Persons who utilize the facilities of Utah state parks will pay \$400,000 in the aggregate for those services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Entry fees at selected parks, camping fees at all parks, and green fees and cart fees at state park golf courses will increase between \$1 and \$2 per visit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Costs for the increases and changes in fees would be incurred by the visiting public to utilize state park facilities and services. No fiscal impact on businesses is anticipated. Mike Styler, Executive Director

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

NATURAL RESOURCES
PARKS AND RECREATION
Room 116

1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2006

AUTHORIZED BY: Steve Roberts, Deputy Director

**R651. Natural Resources, Parks and Recreation.
R651-611. Fee Schedule.**

R651-611-1. Use Fees.

All fees required under this fee schedule are to be paid in advance of occupancy or use of facilities.

A. Fees for services covering one or more months, for docks and dry storage, must be paid in advance for the season as determined by the Division.

B. Fee permits and passes are not refundable or transferable. Duplicate annual permits and special fun tags will be issued only upon completion of an affidavit and payment of the required fee. Inappropriate use of fee permits and passes may result in confiscation by park authorities.

C. Fees shall not be waived, reduced or refunded unless authorized by Division guideline; however, park or unit managers may determine and impose equitable fees for unique events or situations not covered in the current fee schedule. The director has the prerogative to waive or reduce fees.

D. The Multiple Park Permit, Senior Multiple Park Permit, Special Fun Tag, Camping Permit and Daily Private Vehicle Permit are good for one (1) private vehicle with up to eight (8) occupants, with the exception of any special charges. Multiple Park Permits, Senior Multiple Park Permits, and Special Fun Tags, are not honored at This Is The Place State Park.

E. No charge for persons five years old and younger.

F. With the exception of the Multiple Park Permit, Senior Multiple Park Permit, and Special Fun Tag, fees are applicable only to the specific park or facility where paid and will not be honored at other parks or facilities, unless otherwise stated in division guideline.

G. The contract operator, with the approval of the Division Director, will set fees for This Is The Place State Park.

H. A "senior" is defined as any resident of the State of Utah 62 years of age or older. Residency and proof of age are verified by presentation of a valid driver's license or a valid Utah identification card.

I. Charges for services unique to a park may be established by the park manager with approval from the region manager. All approved charges must be submitted to the Division director or designee.

R651-611-2. Day Use Entrance Fees.

Permits the use of all day activity areas in a state park. These fees do not include overnight camping facilities or special use fees.

A. Annual Permits

1. \$70.00 Multiple Park Permit (good for all parks)
2. \$35.00 Senior Multiple Park Permit (good for all parks)

~~[3. Snow Canyon Specialty Permits~~

- ~~a. \$15.00 Family Pedestrian Permit~~
- ~~b. \$5.00 Commuter Permit]~~ 3. \$200.00 Commercial Dealer Demonstration Pass

4. Duplicate Annual Permits may be purchased if originals are lost, destroyed, or stolen, upon payment of a \$10.00 fee and the submittal of a signed affidavit to the Division office. Only one duplicate is allowed.

B. Special Fun Tag - Available free to Utah residents, who are disabled, as defined by the Special Fun Tag permit affidavit.

C. Daily Permit - Allows access to a specific state park on the date of purchase.

1. \$9.00 (\$5.00 for seniors) per private motor vehicle or \$5.00 per person (\$3.00 for seniors), for pedestrians or bicycles at the following parks:

TABLE 1

Deer Creek	Jordanelle - Hailstone
Utah Lake	Willard Bay

2. \$7.00 (\$4.00 for seniors) per private motor vehicle or \$4.00 per person (\$2.00 for seniors) for pedestrians or bicycles at the following parks:

TABLE 2

Bear Lake - Marina	Bear Lake - Rendezvous
Dead Horse Point	East Canyon
Jordanelle - Rockcliff	Quail Creek
Rockport	Sand Hollow
Yuba	

3. \$6.00 (\$3.00 for seniors) per private motor vehicle or \$3.00 per person (\$2.00 for seniors), for pedestrians or bicycles at the following parks:

TABLE 3

Antelope Island	Goblin Valley
Hyrum	Kodachrome
Palisade	

4. \$2.00 (\$1.00 for seniors) per private vehicle at the following park:

TABLE 4

Great Salt Lake

~~[3]~~5. \$6.00 per adult, \$3.00 per child (a child is defined as any person between the ages of six (6) and twelve (12) years old inclusively), and \$3.00 for seniors at Utah Field House State Park.

[4]6. \$2.00 per person (\$1.00 for seniors), or \$6.00 per family (up to eight (8) individuals (\$3.00 for seniors), at the following parks:

TABLE [3]5

[Anasazi	Camp Floyd
[Edge of the Cedars	Great Salt Lake
[Fremont	Territorial[
[Iron Mission]	

7. \$3.00 per person (\$1.50 for seniors), or \$6.00 per family (up to eight (8) individuals (\$3.00 for seniors), at the following parks:

TABLE 6

Anasazi	Edge of the Cedars
Fremont	Iron Mission

~~[5]~~8. \$5.00 (\$3.00 for seniors) per private motor vehicle or \$3.00 per person (\$2.00 for seniors), for pedestrians or bicycles at the parks not identified above, including the east side of Bear Lake.

~~[6]~~9. \$10.00 per OHV rider at the Jordan River OHV Center.

~~[7]~~10. \$2.00 per person for commercial groups or vehicles with nine (9) or more occupants (\$15.00 per group at Great Salt Lake).

D. Group Site Day Use Fee - Advance reservation only. \$2.00 per person, age six (6) and over, for sites with basic facilities. Minimum \$50.00 fee established for each facility.

~~[E. Educational Groups - No charge for group visits by Utah public or parochial schools with advance notice to park. When special arrangements or interpretive talks are provided, a fee of \$5.00 per person may be charged at the park manager's discretion.~~

~~[F]~~E. Antelope Island Wildlife Management Program: A \$1.00 fee will be added to the entrance fee at Antelope Island. This additional fee will be used by the Division to fund the Wildlife Management Program on the Island.

R651-611-3. Camping Fees.

Permits overnight camping and day use for the day of arrival until 2:00 p.m. of the following day or each successive day. Camp sites must be vacated by 12:00 noon following the last camping night at Dead Horse Point. Camping is limited to 14 consecutive days at all campgrounds with the exception of Snow Canyon State Park, with a five (5) consecutive day limit.

A. Individual Sites -- One (1) vehicle with up to eight (8) occupants and any attached recreational equipment as one (1) independent camp unit. Fees for individual sites are based on the following schedule:

1. ~~[\$8.00]~~\$9.00 with pit or vault toilets; ~~[\$11.00]~~\$12.00 with flush toilets; ~~[\$14.00]~~\$15.00 with flush toilets and showers or electrical hookups; ~~[\$17.00]~~\$18.00 with flush toilets, showers and electrical hookups; ~~[\$20.00]~~\$21.00 with full hookups.

2. Primitive camping fees may be decreased at the park manager's discretion dependent upon the developed state of the facilities to be used by park visitors. Notification of the change must be made to the Division's financial manager and reservations manager before the reduced fee can be made effective.

3. Special Fun Tag holders may receive a \$2.00 discount for individual camping sites Monday through Thursday nights, excluding holidays.

4. One-half the campsite fee rounded up to the nearest dollar will be charged per vehicle at all parks and individual camping sites for all additional transportation vehicles that are separate and not attached to the primary vehicle, but are dependent upon that unit. No more than one additional vehicle is allowed at any individual campsite. This fee is not applicable at primitive campsites.

B. Group Sites - (by advance reservation for groups)

1. \$2.00 per person, age six (6) and over at sites with vault toilets. Minimum \$50.00 fee for each facility.
2. \$3.00 per person, age six (6) and over at sites with flush toilets and/or pavilions. Minimum \$75.00 fee for each facility.

R651-611-4. Special Fees.

- A. Golf Course Fees
1. Palisade rental and green fees.
 - a. Nine holes general public - weekends and holidays - ~~[\$10.00]~~\$12.00
 - b. Nine holes weekdays (except holidays) - ~~[\$9.00]~~\$10.00
 - c. Nine holes Jr/Sr weekdays (except holidays) - \$8.00
 - d. 20 round card pass - ~~[\$140.00]~~\$160.00
 - e. 20 round card pass (Jr only) - \$100.00
 - f. Promotional pass - single person (any day) - ~~[\$400.00]~~\$450.00
 - g. Promotional pass - single person (weekdays only) - ~~[\$275.00]~~\$300.00
 - h. Promotional pass - couples (any day) - \$650.00
 - i. Promotional pass - family (any day) - \$850.00
 - j. Companion fee - walking, non-player - \$4.00
 - k. Motorized cart (18 holes) - \$10.00
 - l. Motorized cart (9 holes) - \$5.00
 - m. Pull carts (9 holes) - \$2.00
 - n. Club rental (9 holes) - \$5.00
 - o. School teams - No fee for practice rounds with coach and team roster. Tournaments are \$3.00 per player.
 - p. Driving range - small bucket - \$2.50
 - q. Driving range - large bucket - \$3.50
 2. Wasatch Mountain and Soldier Hollow rental and green fees.
 - a. Nine holes general public - ~~[\$12.00]~~\$12.50
 - b. Nine holes general public (weekends and holidays) - ~~[\$13.00]~~\$13.50
 - c. Nine holes Jr/Sr weekdays (except holidays) - \$11.00
 - d. 20 round card pass - \$220.00 - no holidays or weekends
 - e. Annual Promotional Pass (except holidays) - \$1,000.00
 - ~~[e]f.~~ Companion fee - walking, non-player - \$4.00
 - ~~[f]g.~~ Motorized cart (9 holes - mandatory on Mt. course) - ~~[\$12.00]~~\$13.00
 - ~~[g]h.~~ Motorized cart (9 holes single rider) - \$6.00
 - ~~[h]i.~~ Pull carts (9 holes) - \$2.25
 - ~~[i]j.~~ Club rental (9 holes) - \$6.00
 - ~~[j]k.~~ School teams - No fee for practice rounds with coach and team roster (Wasatch County only). Tournaments are \$3.00 per player.
 - ~~[k]l.~~ Tournament fee (per player) - \$5.00
 - ~~[l]m.~~ Driving range - small bucket - \$2.50
 - ~~[m]n.~~ Driving range - large bucket - \$5.00
 - ~~[n]o.~~ Advance tee time booking surcharge - \$15.00
 3. Green River rental and green fees.
 - a. Nine holes general public - ~~[\$9.00]~~\$10.00
 - b. Nine holes Jr/Sr weekdays (except holidays) - \$8.00
 - c. Eighteen holes general public - \$16.00
 - d. 20 round card pass - \$140.00
 - e. Promotional pass - single person (any day) - \$350.00
 - f. Promotional pass - personal golf cart - \$350.00
 - g. Promotional pass - single person (Jr/Sr weekdays) - \$275.00
 - h. Promotional pass - couple (any day) - \$600.00
 - i. Promotional pass - family (any day) - \$750.00
 - j. Companion fee - walking, non-player - \$4.00
 - k. Motorized cart (9 holes) - ~~[\$8.00]~~\$10.00
 - l. Motorized cart (9 holes single rider) - ~~[\$4.00]~~\$5.00
 - m. Pull carts (9 holes) - \$2.25
 - n. Club rental (9 holes) - \$5.00
 - o. School teams - No fee for practice rounds with coach and team roster. Tournaments are \$3.00 per player.

4. Golf course hours are daylight to dark
 5. No private, motorized golf carts are allowed, except where authorized by existing contractual agreement.
 6. Jr golfers are 17 years and under. Sr golfers are 62 and older.
- B. Boat Mooring and Dry Storage
1. Mooring Fees:
 - a. Day Use - \$5.00
 - b. Overnight Boat Parking - \$7.00 (until 8:00 a.m.)
 - c. Overnight Boat Camping - \$15.00 (until 2:00 p.m.)
 - d. Monthly - \$4.00/ft.
 - e. Monthly with Utilities - (Bear Lake) \$6.00/ft.
 - f. Monthly with Utilities - (Other Parks) \$5.00/ft.
 - g. Monthly Off Season - \$2.00/ft
 - h. Monthly (Off Season with utilities) - \$3.00/ft
 2. Dry Storage Fees:
 - a. Overnight (until 2:00 p.m.) - \$5.00
 - b. Monthly During Season - \$75.00
 - c. Monthly Off Season - \$50.00
 - d. Monthly (unsecured) - \$25.00
- ~~[C. Meeting Rooms and Buildings~~
- ~~1. Day Use: 1-4 hours between 8:00 a.m. and 6:00 p.m.~~
 - ~~a. Up to 50 persons - \$50.00~~
 - ~~b. 51 to 100 persons - \$70.00~~
 - ~~c. 101 to 150 persons - \$90.00~~
 - ~~d. Add 50% for after 6:00 p.m.~~
 - ~~e. Fees include day use fee~~
 - ~~2. Overnight Use 2:00 p.m. until 2:00 p.m., up to 100 people. Minimum Fee \$250.00~~
 - ~~3. Territorial Statehouse~~
 - ~~a. Legislative Hall (per hour) - \$30.00~~
 - ~~b. School or Grounds (per hour) - \$20.00~~
 - ~~4. Utah Field House of Natural History~~
 - ~~a. Training room per session - \$75.00~~
 - ~~b. Theater per session - \$100.00~~
 - ~~c. Lobby area per session - \$500.00~~
 - ~~d. Dinosaur garden per session - \$500.00~~
 - ~~e. Entire museum per day - \$2,000.00~~
- D. Roller Skating Fees:
- ~~1. Adults - \$2.00~~
 - ~~2. Children 6 through 11 - \$1.00~~
 - ~~3. Skate Rental - \$1.00~~
 - ~~4. Ice Skate Sharpening~~
 - ~~5. Group Reservations~~
 - ~~a. First Hour - \$30.00~~
 - ~~b. Every Hour Thereafter - \$20.00~~
- E. Other Miscellaneous Fees
- ~~1. Canoe Rental (includes safety equipment):~~
 - ~~a. Up to one (1) hour - \$5.00~~
 - ~~b. Up to four (4) hours - \$10.00~~
 - ~~c. All day to 6:00 p.m. - \$20.00~~
 - ~~2. Paddle boat Rental (includes safety equipment):~~
 - ~~a. Up to one (1) hour - \$10.00~~
 - ~~b. Up to four (4) hours - \$20.00~~
 - ~~c. All day to 6:00 p.m. - \$30.00~~
 - ~~3. Cross Country Skiing Trails:~~
 - ~~a. \$4.00 per person, twelve (12) and older.~~
 - ~~b. \$2.00 per person, six (6) through eleven (11).~~
 - ~~4. Pavilion - 8:00 a.m. - 10:00 p.m. (non-fee areas):~~
 - ~~a. \$10.00 per day - (single unit).~~
 - ~~b. \$30.00 per day - (group unit).~~

- ~~5. Wagon Rental per day \$50.00~~
- ~~6. Recreation Field (non-fee areas) \$25.00.~~
- ~~7. Sports Equipment Rental \$10.00.~~
- ~~8. Life Jacket Rental \$1.00~~
- ~~9. Day Use Shower Fee \$2.00.~~
(where facilities can accommodate)
- ~~10. Cleaning Deposit (where applicable) \$100.00~~
- ~~11.]C. Application Fees - Non-refundable PLUS Negotiated Costs.~~
 - ~~[a.]1. Grazing Permit - \$20.00~~
 - ~~[b.]2. Easement - [~~\$200.00~~]~~\$250.00~~~~
 - ~~[c.]3. Construction/Maintenance - \$50.00~~
 - ~~[d.]4. Special Use Permit - \$50.00~~
 - ~~[e.]5. Commercial Filming - \$50.00~~
 - ~~[f.]6. Waiting List - \$10.00~~
 - ~~[42.]D. Assessment and Assignment Fees.~~
 - ~~[a.]1. Duplicate Document - \$10.00~~
 - ~~[b.]2. Contract Assignment - \$20.00~~
 - ~~[c.]3. Returned checks - \$20.00~~
 - ~~[d.]4. Staff time - \$40.00/hour~~
 - ~~[e.]5. Equipment - \$30.00/hour~~
 - ~~[f.]6. Vehicle - \$20.00/hour~~
 - ~~[g.]7. Researcher - \$5.00/hour~~
 - ~~[h.]8. Photo copy - \$.10/each~~
 - ~~[i.]9. Fee collection - \$10.00~~
- ~~13. Curation Fees.~~
 - ~~a. Annual curation agreement \$75.00~~
 - ~~b. Curation storage Edge of Cedars \$400.00/cubic foot.~~
 - ~~c. Curation storage other parks \$350.00/cubic foot~~
 - ~~d. All curation storage fees are one time only.~~
- ~~14. Snowmobile Parking Fee - Monte Cristo Trail head.~~
 - ~~a. Day use (6:00 a.m. to 10:00 p.m.) \$5.00~~
 - ~~b. Overnight (10:00 p.m. to 10:00 p.m.) \$5.00~~
 - ~~c. Season Pass (Day use only) \$30.00~~
 - ~~d. Season Pass (Overnight) \$50.00~~

R651-611-5. Reservations.

- A. Camping Reservation Fees.
 - 1. Individual Campsite [~~\$7.00~~]~~\$8.00~~
 - 2. Group site or building rental \$10.25
 - 3. Fees identified in #1 and #2 above are to be charged for both initial reservations and for changes to existing reservations.
- B. All park facilities will be allocated on a first-come, first-serve basis.
- C. Selected camp and group sites are reservable in advance by calling 322-3770, 1-800-322-3770 or on the Internet at: www.stateparks.utah.gov.
- D. Applications for reservation of skating rinks, meeting rooms, buildings, mooring docks, dry storage spaces and other sites not covered above, will be accepted by the respective park personnel beginning on the first business day of February for the next 12 months. Application forms and instructions are available at the park.
- E. All unreserved mooring docks, dry storage spaces and camp picnic sites are available on a first-come, first-serve basis.
- F. The park manager for any group reservation or special use permit may require a cleanup deposit.
- G. Golf course reservations for groups of 20 or more and tournaments will be accepted for the calendar year beginning the first Monday of March. Reservations for up to two starting times (8 persons) may be made for Saturday, Sunday and Monday, the preceding Monday; and for Tuesday through Friday, the preceding

Saturday. Reservations will be taken by phone and in person during golf course hours.

H. One party will reserve park facilities for more than fourteen (14) consecutive days in any 30-day period.

KEY: parks, fees
~~[September 1, 2004]~~**January 1, 2006**
Notice of Continuation August 7, 2001
63-11-17(8)



Natural Resources, Wildlife Resources **R657-9** Taking Waterfowl, Common Snipe and Coot

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 28187
 FILED: 08/31/2005, 16:16

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: Under Section R657-9-2, several definitions are deleted since these definitions are being incorporated by reference to 50 CFR 20, 2004 ed. Section R657-9-5 is being amended to require the completion of the swan orientation course prior to applying for a swan permit. Other provisions are being amended for consistency and clarity.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 20, 50 CFR 32.64, and 50 CFR 27.21, 2004

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** This amendment clarifies existing requirements. Therefore, the amendments do not create a cost or savings impact to the state budget.
- ❖ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.
- ❖ **OTHER PERSONS:** The amendments are for clarification, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendments clarify existing requirements. Therefore, there are not any additional compliance costs associated with this amendment.

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

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Angela VanScoyk at the above address, by phone at 801-538-4707, by FAX at 801-538-4709, or by Internet E-mail at angelavanscoyk@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-9. Taking Waterfowl, Common Snipe and Coot.

R657-9-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, and in accordance with 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, [2003]2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking waterfowl, Common snipe, and coot.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot.

R657-9-2. Definitions.

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

(2) In addition:

(a) [~~"Aggregate daily bag limit" means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or for more than one species for which a combined daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one species or for any one specified geographical area in which taking occurs.~~

~~(b) "Aggregate possession limit" means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by any one person when taking and possession occurs in more than one~~

~~specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.~~

~~(e) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices birds.~~

~~(d) "Baited area" means any area on which shelled, shucked or unshucked corn, wheat or other grain, salt or other feed has been placed, exposed, deposited, distributed or scattered, if that shelled, shucked or unshucked corn, wheat or other grain, salt or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take migratory game birds. Any such area will remain a baited area for ten days following the complete removal of all such shelled, shucked or unshucked corn, wheat or other grain, salt or other feed.~~

~~(e) "Baiting" means the direct or indirect placing, depositing, exposing, distributing or scattering of shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take migratory game birds.~~

~~(f)(b) "CFR" means the Code of Federal Regulations.~~

~~(g) "Closed season" means, for purposes of this rule, the days on which migratory game birds shall not be taken.~~

~~(h) "Daily bag limit" means the maximum number of migratory game birds of a single species or combination (aggregate) of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.~~

~~(i)(c) "Live decoys" means tame or captive ducks, geese or other live birds.~~

~~(j) "Migratory game birds" means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families:~~

~~(i) Anatidae (ducks, geese, including brant, and swans);~~

~~(ii) Columbidae (doves and pigeons);~~

~~(iii) Gruidae (cranes);~~

~~(iv) Rallidae (rails, coots, and gallinules); and~~

~~(v) Scolopocidae (woodcock and snipe).~~

~~(k) "Nontoxic shot" means soft iron, steel, copper plated steel, nickel plated steel, zinc plated steel, bismuth tin, tungsten iron, tungsten polymer, tungsten matrix, tin and any other shot types approved by the U.S. Fish and Wildlife Service. Lead, nickel plated lead, copper plated lead, copper and lead/copper alloy shot have not been approved.~~

~~(l)(d) "Off-highway vehicle" means any motor vehicle designed for or capable of travel over unimproved terrain.~~

~~(m) "Open season" means, for purposes of this rule, the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.~~

~~(n)(e) "Permanent waterfowl blind" means any waterfowl blind that is left unattended overnight and that is not a portable structure capable of immediate relocation.~~

~~(o) "Personal abode" means one's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling, such as a hunting club, or any cabin, tent or trailer house used as a hunting club or any hotel, motel or rooming house used during a hunting, pleasure or business trip.~~

~~—(p)— "Possession limit" means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.~~

~~(q)(l)~~ "Sinkbox" means any type of low floating device, having a depression, affording the hunter a means of concealment beneath the surface of the water.

~~(r)(g)~~ "Transport" means to ship, export, import or receive or deliver for shipment.

~~(s)(h)~~ "Waterfowl" means ducks, mergansers, geese, brant and swans.

~~(t)(i)~~ "Waterfowl blind" means any manufactured place of concealment, including boats, rafts, tents, excavated pits, or similar structures, which have been designed to partially or completely conceal a person while hunting waterfowl.

R657-9-4. Permit Applications for Swan.

(1) Applications for swan permits are available from license agents ~~and~~, division offices, and through the division's Internet address. Residents and nonresidents may apply.

(2)(a) Applications must be mailed by the date prescribed in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot.

(b) If an error is found on the application, the applicant may be contacted for correction.

(c) The division reserves the right to correct applications.

(3)(a) Late applications received by the date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw database to provide:

(i) future pre-printed applications;

(ii) notification by mail of late application and other draw opportunities; and

(iii) re-evaluation of division or third-party errors.

(b) The handling fee will be used to process the late application. Any license fees submitted with the application shall be refunded.

(c) Late applications received after the date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot will not be processed and will be returned.

(4) A person may obtain only one swan permit each year

(5) A person may not apply more than once annually.

(6) Group applications are not accepted.

(7) A small game or combination license may be purchased before applying, or the small game or combination license will be issued to the applicant upon successfully drawing a permit.

(8) Each application must include:

(a) a nonrefundable handling fee; and

(b) the small game or combination license fee, if the license has not yet been purchased.

R657-9-5. Drawing.

(1)(a) Applicants will be notified by mail or e-mail of draw results on the date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe, and coot.

(b) Any remaining permits are available by mail-in request or over the counter at the Salt Lake division office beginning on the date specified in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot.

(2)(a) The ~~[Division]~~division shall issue no more than the number of swan permits authorized by the U.S. Fish and Wildlife Service each year.

(b) The ~~[Division]~~division may withhold up to 1% of the authorized number of swan permits each year to correct division errors, which may occur during the drawing process.

(c) Division errors may be corrected using the withheld swan permits in accordance with the Division Error Remedy Rule R657-50.

(d) Withheld swan permits shall be used to correct ~~[Division]~~division errors reported to or discovered by the ~~[Division]~~division on or before the fifth day preceding the opening day of the swan hunt.

(e) Withheld swan permits remaining after correcting any division errors shall be issued prior to the opening day of the swan hunt to the next person on the alternate drawing list.

(3)(a) A person ~~[who is successful in drawing a swan permit,~~] must complete a one-time orientation course before applying for a swan permit, except as provided under Subsection R657-9-7(3)(b); ~~as prescribed by the division before the swan permit is distributed].~~

(b) Remaining swan permits available for sale ~~[by mail]~~ shall be issued only to persons having previously completed the orientation course.

(4) Licenses and permits are mailed to successful applicants.

(5)(a) An applicant may withdraw their application for the swan permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe, and coot.

(b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake ~~[Division]~~division office.

(c) Handling fees will not be refunded.

(6)(a) An applicant may amend their application for the swan permit drawing by requesting such in writing by the ~~[initial application deadline]~~date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe, and coot.

(b) The applicant must send their notarized signature with a statement requesting that their application be amended to the Salt Lake ~~[Division]~~division office.

(c) The applicant must identify in their statement the requested amendment to their application.

~~(d) [An amendment may cause rejection if the amendment causes an error on the]~~If the application is amended and that amendment results in an error, the division reserves the right to reject the entire application.

R657-9-7. Return of Swan Harvest and Hunt Information.

(1) Swan permit holders who do not hunt or are unsuccessful in taking a swan must respond to the swan questionnaire through the ~~[Division's]~~division's Internet address, or by telephone, within ten days of the conclusion of the prescribed swan hunting season.

(2) Within three days of harvest, swan permit holders successful in taking a swan must personally present the swan or its head for measurement to the ~~[Division]~~division or the Bear River Migratory Bird Refuge and further provide all harvest information requested by the ~~[Division]~~division or Refuge.

(3) Hunters who fail to comply with the requirements of Subsections (1) or (2) shall be ineligible to:

(a) obtain a swan permit the following season; and

(b) obtain a swan permit after the first season of ineligibility until the swan orientation course is retaken.

R657-9-8. Purchase of License by Mail.

(1) A person may purchase a license by mail by sending the following information to [the Salt Lake] a division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, Social Security number, driver license number (if available), proof of hunter education certification, and fees.

(2)(a) Personal checks, money orders and cashier's checks are accepted.

(b) Personal checks drawn on an out-of-state account are not accepted.

(c) Checks must be made payable to the Utah Division of Wildlife Resources.

R657-9-35. Migratory Game Bird Harvest Information Program (HIP).

(1) A person must obtain an annual Migratory Game Bird Harvest Information Program (HIP) registration number to hunt migratory game birds.

(2)(a) A person must call the telephone number published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot, or register online at the address published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot to obtain their HIP registration number.

(b) A person must write their HIP registration number on their current year's hunting license.

(3) Any person obtaining a HIP registration number will be required to provide their:

(a) hunting license number;

(b) hunting license type;

(c) name;

(d) address;

(e) phone number;

(f) birth date; and

(g) information about the previous year's migratory bird hunts.

(4) Lifetime license holders will receive a sticker every three years from the [Division]division to write their HIP number on and place on their lifetime license card.

(5) Any person hunting migratory birds will be required, while in the field, to prove that they have registered and provided information for the HIP program.

R657-9-36. Waterfowl Blinds on Waterfowl Management Areas.

(1) Waterfowl blinds on [Division]division waterfowl management areas may be constructed or used as provided in Subsection (a) through Subsection (e).

(a) Waterfowl blinds may not be left unattended overnight, except for blinds constructed entirely of non-woody, vegetative materials that naturally occur where the blind is located.

(b) Trees and shrubs on waterfowl management areas that are live or dead standing may not be cut or damaged except as expressly authorized in writing by the [Division]division.

(c) Excavating soil or rock on waterfowl management areas above or below water surface is strictly prohibited, except as expressly authorized in writing by the [Division]division.

(d) Rock and soil material may not be transported to waterfowl management areas for purposes of constructing a blind.

(e) Waterfowl blinds may not be constructed or used in any area or manner, which obstructs vehicular or pedestrian travel on dikes.

(2) The restrictions set forth in Subsection (1)(a) through Subsection (1)(c) do not apply to the following waterfowl management areas:

(a) Farmington Bay Waterfowl Management Area - West and North of Unit 1, Turpin Unit and Crystal Unit.

(b) Howard Slough Waterfowl Management Area - West and South of the exterior dike separating the waterfowl management area's fresh water impoundments from the Great Salt Lake.

(c) Ogden Bay Waterfowl Management Area - West of Unit 1, Unit 2, and Unit 3.

(d) Harold Crane Waterfowl Management Area - one half mile North and West of the exterior dike separating the waterfowl management area's fresh water impoundments from Willard Spur.

(3) Waterfowl blinds constructed or maintained on waterfowl management areas in violation of this section may be removed or destroyed by the [Division]division without notice.

(4) Any unoccupied, permanent waterfowl blind located on state land open to public access for hunting may be used by any person without priority to the person that constructed the blind. It being the intent of this rule to make such blinds available to any person on a first-come, first-serve basis.

(5) Waterfowl blinds or decoys cannot be left unattended overnight on state land open to public access for hunting in an effort to reserve the particular location where the blinds or decoys are placed.

KEY: wildlife, birds, migratory birds, waterfowl

[October 19, 2004]2005

Notice of Continuation August 30, 2001

23-14-18

23-14-19

50 CFR part 20



Natural Resources, Wildlife Resources

R657-10

Taking Cougar

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28188

FILED: 08/31/2005, 16:16

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: Section R657-10-2 is being amended to define limited entry hunt and limited entry permit.

Harvest objective cougar permits have been designated as statewide permits which requires amendments to Sections R657-10-4, R657-10-23, R657-10-32, R657-10-33, and R657-10-34. Section R657-10-34 is also being amended to remove the female cougar subquota provision. Other provisions are being amended for clarity and consistency.

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

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This amendment clarifies existing requirements. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.
- ❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.
- ❖ OTHER PERSONS: This amendment clarifies existing requirements, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment clarifies existing requirements. DWR determines that there are no additional compliance costs associated with this amendment.

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

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Angela VanScoyk at the above address, by phone at 801-538-4707, by FAX at 801-538-4709, or by Internet E-mail at angelavanscoyk@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-10. Taking Cougar.

R657-10-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the Wildlife Board has established this rule for taking and pursuing cougar.

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the proclamation of the Wildlife Board for taking cougar.

R657-10-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
 - (a) "Canned hunt" means that a cougar is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the cougar.
 - (b) "Cougar" means Puma concolor, commonly known as mountain lion, lion, puma, panther or catamount.
 - (c) "Cougar pursuit permit" means a permit that authorizes a person to pursue cougar during designated seasons.
 - (d) "Evidence of sex" means the sex organs of a cougar, including a penis, scrotum or vulva.
 - (e) "Green pelt" means the untanned hide or skin of any cougar.
 - (f) "Kitten" means a cougar less than one year of age.
 - (g) "Limited entry hunt" means any hunt listed in the hunt tables of the proclamation of the Wildlife Board for taking cougar, which is identified as limited entry and does not include harvest objective hunts.
 - (h) "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits and sportsman permits.
 - (i) "Pursue" means to chase, tree, corner or hold a cougar at bay.
 - (~~h~~)(j) "Waiting period" means a specified period of time that a person who has obtained a cougar permit must wait before applying for any other cougar permit.

R657-10-3. Permits for Taking Cougar.

- (1)(a) To harvest a cougar, a person must first obtain a valid limited entry cougar permit or a harvest objective cougar permit for the specified management units as provided in the proclamation of the Wildlife Board for taking cougar.
- (b) Any person who obtains a limited entry cougar permit or a harvest objective cougar permit may pursue cougar on the unit for which the permit is valid.
- (2) To pursue cougar, a person must first obtain a valid cougar pursuit permit from a division office. A cougar pursuit permit does not allow a person to kill a cougar.
- (3) A person may not apply for or obtain more than one cougar permit for the same season, except:
 - (a) as provided in Subsection R657-10-~~26(3)~~25(3); or
 - (b) if the person is unsuccessful in the limited entry drawing, the person may purchase a harvest objective permit.
- (4) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

R657-10-4]. ~~Permit Exchanges.~~

- ~~(1)(a) Any person who has obtained a harvest objective cougar permit may exchange that permit for any other harvest objective units provided the unit objectives have not been met and the units are still open.~~
- ~~(b) Limited entry cougar permits may not be exchanged.~~
- ~~(2)(a) A handling fee will be charged for the exchange of a harvest objective permit.~~
- ~~(b) Any person who exchanges a harvest objective permit must complete a questionnaire at the time the exchange is made.~~
- ~~(3)(a) Any harvest objective permit exchanged is not valid until the day after the exchange is made.~~

~~(b) Harvest objective permits may be exchanged only at division offices.~~

R657-10-5]. Purchase of Permit by Mail.

(1) A person may obtain a ~~[wildlife habitat authorization,]~~ cougar pursuit permit or cougar harvest objective permit by mail by sending the following information to any division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, driver's license number (if available), proof of hunter education certification, and fee.

(2)(a) Personal checks, cashier's checks, or money orders are accepted.

(b) Personal checks drawn on an out-of-state account are not accepted.

(c) Checks must be made payable to the Utah Division of Wildlife Resources.

R657-10-[6]5. Hunting Hours.

Cougar may be taken or pursued only between one-half hour before official sunrise through one-half hour after official sunset.

R657-10-[7]6. Firearms and Archery Tackle.

A person may use the following to take cougar:

(1) any firearm not capable of being fired fully automatic;

(2) a bow and arrows; and

(3) a crossbow as provided in Rule R657-12.

R657-10-[8]7. Traps and Trapping Devices.

(1) Cougar may not be taken with a trap, snare or any other trapping device, except as authorized by the Division of Wildlife.

(2) Cougar accidentally caught in any trapping device must be released unharmed, and must not be pursued or taken.

(3)(a) Written permission must be obtained from a division representative to remove the carcass of a cougar from any trapping device.

(b) The carcass shall remain the property of the state of Utah and must be surrendered to the division.

R657-10-[9]8. State Parks.

(1) Hunting of any wildlife is prohibited within the boundaries of all state park areas except those designated by the Division of Parks and Recreation in Section R651-614-4.

(2) Hunting with a rifle, handgun or muzzleloader in park areas designated open is prohibited within one mile of all park facilities including buildings, camp or picnic sites, overlooks, golf courses, boat ramps and developed beaches.

(3) Hunting with shotguns and archery tackle is prohibited within one quarter mile of the above stated areas.

R657-10-[10]9. Prohibited Methods.

(1) Cougar may be taken or pursued only during open seasons and using methods prescribed in this rule and the proclamation of the Wildlife Board for taking cougar. Otherwise, under the Wildlife Resources Code, it is unlawful for any person to possess, capture, kill, injure, drug, rope, trap, snare or in any way harm or transport cougar.

(2) After a cougar has been pursued, chased, treed, cornered or held at bay, a person may not, in any manner, restrict or hinder the animal's ability to escape.

(3) A person may not engage in a canned hunt.

(4) A person may not take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles.

(5) Electronic locating equipment may not be used to locate cougars wearing electronic radio devices.

R657-10-[11]10. Spotlighting.

(1) Except as provided in Section 23-13-17:

(a) a person may not use or cast the rays of any spotlight, headlight or other artificial light to locate protected wildlife while having in possession a firearm or other weapon or device that could be used to take or injure protected wildlife; and

(b) the use of a spotlight or other artificial light in a field, woodland or forest where protected wildlife are generally found is prima facie evidence of attempting to locate protected wildlife.

(2) The provisions of this section do not apply to:

(a) the use of the headlights of a motor vehicle or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife; or

(b) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed weapon to hunt or take wildlife.

R657-10-[12]11. Party Hunting.

A person may not take a cougar for another person.

R657-10-[13]12. Use of Dogs.

(1) Dogs may be used to take or pursue cougar only during open seasons as provided in the proclamation of the Wildlife Board for taking cougar.

(2) The owner and handler of dogs used to take or pursue cougar must have a valid cougar permit or cougar pursuit permit in possession while engaged in taking or pursuing cougar.

(3) When dogs are used in the pursuit of a cougar, the licensed hunter intending to take the cougar must be present when the dogs are released and must continuously participate in the hunt thereafter until the hunt is completed.

(4) When dogs are used to take cougar and there is not an open pursuit season, the owner and handler of the dogs must have a valid pursuit permit and be accompanied by a licensed hunter as provided in Subsection (3), or have a ~~[valid pursuit permit and a]~~ cougar permit.

R657-10-[14]13. Tagging Requirements.

(1) The carcass of a cougar must be tagged with a temporary possession tag before the carcass is moved from or the hunter leaves the site of kill as provided in Section 23-20-30.

(2) A person may not hunt or pursue a cougar after any of the notches have been removed from the tag or the tag has been detached from the permit.

(3) The temporary possession tag:

(a) must remain attached to the pelt or unskinned carcass until the permanent possession tag is attached; and

(b) is only valid for 48 hours after the date of kill.

(4) A person may not possess a cougar pelt or unskinned carcass without a valid permanent possession tag affixed to the pelt or unskinned carcass. This provision does not apply to a person in possession of a properly tagged carcass or pelt within 48 hours after

the kill, provided the person was issued and is in possession of a valid permit.

R657-10-[45]14. Evidence of Sex and Age.

(1) Evidence of sex must remain attached to the carcass or pelt of each cougar until a permanent tag has been attached by the division.

(2) The pelt and skull must be presented to the division in an unfrozen condition to allow the division to gather management data.

(3) It is mandatory that a tooth (PM1) be removed by the division at the time of permanent tagging to be used for aging purposes.

(4) The division may seize any pelt not accompanied by its skull or not having sufficient evidence of biological sex designation attached.

R657-10-[46]15. Permanent Tag.

(1)(a) Each cougar must be taken by the permit holder to a conservation officer or division office within 48 hours after the date of kill to have a permanent possession tag affixed to the pelt or unskinned carcass and for the removal of a tooth.

(b) After regular business hours, on weekends, or on holidays, a conservation officer may be reached by contacting the local police dispatch office.

(2) A person may not possess a green pelt after the 48-hour check-in period, or ship a green pelt out of Utah, or present a green pelt to a taxidermist if the green pelt does not have a permanent possession tag attached.

R657-10-[47]16. Transporting Cougar.

Cougar that have been legally taken may be transported by the permit holder provided the cougar is properly tagged and the permittee possesses the appropriate permit.

R657-10-[48]17. Exporting Cougar from Utah.

(1) A person may export a legally taken cougar or its parts if that person has a valid permit and the cougar is properly tagged with a permanent possession tag.

(2) A person may not ship or cause to be shipped from Utah, a cougar pelt without first obtaining a shipping permit issued by an authorized division representative.

R657-10-[49]18. Donating.

(1) A person may donate protected wildlife or their parts to another person as provided in Section 23-20-9.

(2) A green pelt of any cougar donated to another person must have a permanent possession tag affixed.

(3) The written statement of donation must be retained with the pelt.

R657-10-[20]19. Purchasing or Selling.

(1) Legally obtained, tanned cougar hides may be purchased or sold.

(2) A person may not purchase, sell, offer for sale, or barter a tooth, claw, paw, or skull of any cougar.

R657-10-[24]20. Waste of Wildlife.

(1) A person may not waste or permit to be wasted or spoiled any protected wildlife or their parts.

(2) The skinned carcass of a cougar may be left in the field and does not constitute waste of wildlife.

R657-10-[22]21. Livestock Depredation and Human Health and Safety.

(1) If a cougar is harassing, chasing, disturbing, harming, attacking or killing livestock, or has committed such an act within the past 72 hours:

(a) in depredation cases, the livestock owner, an immediate family member or an employee of the owner on a regular payroll, and not hired specifically to take cougar, may kill the cougar;

(b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who shall authorize a local hunter to take the offending cougar or notify a USDA, Wildlife Services specialist; or

(c) the livestock owner may notify a USDA, Wildlife Services specialist of the depredation who may take the depredating cougar.

(2) Depredating cougar may be taken at any time by a USDA, Wildlife Services specialist, supervised by the Wildlife Services program, while acting in the performance of the person's assigned duties and in accordance with procedures approved by the division.

(3) A depredating cougar may be taken with any weapon authorized for taking cougar.

(4)(a) Any cougar taken pursuant to this section must be delivered to a division office or employee within 72 hours.

(b) In accordance with Subsection (1)(a) the cougar shall remain the property of the state, except the division may issue a cougar damage permit to a person who has killed a depredating cougar in accordance with this section, if that person wishes to maintain possession of the cougar.

(c) A person may acquire only one cougar annually.

(5)(a) Hunters interested in taking depredating cougar as provided in Subsection (1)(b) may contact the division.

(b) Hunters will be contacted by the division to take depredating cougar as needed.

R657-10-[23]22. Questionnaire.

Each permittee who receives a questionnaire should return the questionnaire to the division regardless of success. Returning the questionnaire helps the division evaluate population trends, harvest success and other valuable information.

R657-10-[24]23. Taking Cougar.

(1)(a) A person may take only one cougar during the season and from the area specified on the permit.

(b) Limited entry permits may be obtained by following the application procedures provided in this rule and the proclamation of the Wildlife Board for taking cougar.

(c) Harvest objective permits may be purchased ~~[over the counter at division offices]~~ on a first-come, first-served basis as provided in proclamation of the Wildlife Board for taking cougar.

(2) A person may not:

(a) take or pursue a female cougar with kittens or kittens with spots; or

(b) repeatedly pursue, chase, tree, corner, or hold at bay, the same cougar during the same day after the cougar has been released.

(3) Any cougar may be taken during the prescribed seasons, except a kitten with spots, or any cougar accompanied by kittens, or any cougar accompanied by an adult.

(4) A person may not take a cougar wearing a radio collar from any areas that are published in the proclamation of the Wildlife Board for taking cougar.

(5) The division may authorize hunters who have obtained a limited entry cougar permit to take cougar in a specified area of the state in the interest of protecting wildlife from depredation.

(6) Season dates, closed areas, harvest objective permit areas and limited entry permit areas are published in the proclamation of the Wildlife Board for taking cougar.

R657-10-~~25~~24. Extended and Preseason Hunts.

(1) An extended or preseason hunt may be authorized by the division on selected cougar management units to control depredation or nuisance problems.

(2) The director may authorize only those hunters who drew a limited entry permit or have purchased a harvest objective permit to hunt on that management unit and participate in a preseason or extended season hunt.

R657-10-~~26~~25. Cougar Pursuit.

(1) Cougar may be pursued only by persons who have obtained a valid cougar pursuit permit. The cougar pursuit permit does not allow a person to kill a cougar.

(2) A person may not:

(a) take or pursue a female cougar with kittens or kittens with spots;

(b) repeatedly pursue, chase, tree, corner or hold at bay, the same cougar during the same day; or

(c) possess a firearm or any device that could be used to kill a cougar while pursuing cougar.

(i) The weapon restrictions set forth in the subsection do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing or attempting to utilize the concealed weapon to injure or kill cougar.

(3) If eligible, a person who has obtained a cougar pursuit permit may also obtain a limited entry cougar permit or harvest objective cougar permit.

(4) Cougar may be pursued only on limited entry units or harvest objective units during the dates provided in the proclamation of the Wildlife Board for taking cougar.

(5) A cougar pursuit permit is valid on a calendar year basis.

R657-10-~~27~~26. General Application Information.

(1) A person may not apply for or obtain more than one cougar permit for the same year~~[, except as provided in Section R657-10-4].~~

(2) Limited entry cougar permits are valid only for the limited entry management unit and for the specified season [designated on the permit.] provided in the hunt tables of the proclamation of the Wildlife Board for taking cougar.

R657-10-~~28~~27. Waiting Period.

(1) Any person who obtained a limited entry permit valid for the current season may not apply for a permit for a period of three years.

(2) Any person who draws a limited entry permit for the current season may not apply for a permit for a period of three years.

(3) Waiting periods are not incurred as a result of purchasing harvest objective permits.

R657-10-~~29~~28. Application Procedure.

(1) Applications are available from license agents~~[and]~~, division offices, and through the division's Internet address.

(2)(a) Group applications are not accepted. A person may not apply more than once annually.

(b) Applicants may select up to three management unit choices when applying for limited entry cougar permits. Management unit choices must be listed in order of preference.

(3)(a) Applications must be mailed by the date published in the proclamation of the Wildlife Board for taking and pursuing cougar.

(b) If an error is found on the application, the applicant may be contacted for correction.

(c) The division reserves the right to correct applications.

(4)(a) Late applications received by the date published in the proclamation of the Wildlife Board for taking and pursuing cougar will not be considered in the drawing, but will be processed for the purpose of entering data into the Division's draw database to provide:

(i) future pre-printed applications;

(ii) notification by mail of late application and other draw opportunities; and

(iii) re-evaluation of Division or third-party errors.

(b) The handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.

(c) Late applications received after the date published in the proclamation of the Wildlife Board for taking and pursuing cougar will not be processed and will be returned.

(5) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get written permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

(6) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Section R657-10-~~34~~30.

(7) To apply for a resident permit, a person must establish residency at the time of purchase.

(8) The posting date of the drawing shall be considered the purchase date of a permit.

R657-10-~~30~~29. Fees.

(1) Each application must include:

(a) the permit fee; and

(b) the nonrefundable handling fee.

(2) Permits are mailed to successful applicants.

(3)(a) Unsuccessful applicants, who applied in the drawing and who applied with a check or money order, will receive a refund in December.

(b) Unsuccessful applicants, who applied with a credit or debit card, will not be charged for a permit.

(c) The handling fees are nonrefundable.

R657-10-~~34~~30. Drawing and Remaining Permits.

(1) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation shall be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(2) Applicants will be notified by mail or e-mail of drawing results on the date published in the proclamation of the Wildlife Board for taking cougar. The drawing results will be posted on the [division]division's Internet address.

(3) Beginning on the date published in the proclamation of the Wildlife Board for taking cougar, residents or nonresidents may purchase any of the remaining permits ~~[by mail in application from the Salt Lake division office].~~

(4) Any limited entry cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(5) Limited entry permits remaining after the drawing may be obtained on a first-come, first-served basis as provided in the proclamation of the Wildlife Board for taking cougar.

~~(6)~~ Waiting periods do not apply to the purchase of remaining limited entry permits after the drawing. However, waiting periods are incurred as a result of purchasing remaining permits after the drawing. Therefore, if a remaining permit is purchased in the current year, waiting periods will be in effect when applying for limited entry permits in the drawing in following years.

~~(6)(a)~~(7)(a) An applicant may withdraw their application for the limited entry cougar permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking cougar.

(b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to Utah Wildlife Administrative Services, P.O. Box 30389, Salt Lake City, Utah 84130-0389.

(c) Handling fees will not be refunded.

~~(7)(a)~~(8)(a) An applicant may amend their application for the limited entry cougar permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking cougar.

(b) The applicant must send their notarized signature with a statement requesting that their application be amended to Utah Wildlife Administrative Services, P.O. Box 30389, Salt Lake City, Utah 84130-0389.

(c) The applicant must identify in their statement the requested amendment to their application.

~~(d) [An amendment may cause rejection if the amendment causes an error on the]~~If the application is amended and that amendment results in an error, the division reserves the right to reject the entire application.

R657-10-~~32~~31. Bonus Points.

(1) A bonus point is awarded for:

(a) a valid unsuccessful application when applying for a limited entry permit in the cougar drawing; or

(b) a valid application when applying for a bonus point in the cougar drawing.

(2) The purchase of a harvest objective permit will not affect bonus points.

(3)(a) A person may apply for one cougar bonus point each year, except a person may not apply in the drawing for both a limited entry cougar permit and a cougar bonus point in the same year.

(b) A person may not apply for a bonus point if that person is ineligible to apply for a permit.

(c) Group applications will not be accepted when applying for bonus points.

(4)(a) Each applicant receives a random drawing number for:

(i) the current valid limited entry cougar application; and

(ii) each bonus point accrued.

(b) The applicant will retain the lowest random number for the drawing.

(5)(a) Fifty percent of the permits for each hunt unit will be reserved for applicants with bonus points.

(b) Based on the applicant's first choice, the reserved permits will be designated by a random drawing number to eligible applicants with the greatest number of bonus points.

(c) If reserved permits remain, the reserved permits will be designated by random number to eligible applicants with the next greatest number of bonus points.

(d) The procedure in Subsection (c) will continue until all reserved permits have been issued or no applications for that hunt unit remain.

(e) Any reserved permits remaining and any applicants who were not selected for reserved permits will be returned to the drawing.

(6) Bonus points are forfeited if a person obtains a limited entry cougar permit except as provided in Subsection (7).

(7) Bonus points are not forfeited if:

(a) a person is successful in obtaining a Conservation Permit; or

(b) a person obtains a harvest objective cougar permit.

(8) Bonus points are not transferable.

(9) Bonus points are tracked using social security numbers or Division-issued hunter identification numbers.

R657-10-~~33~~32. Harvest Objective General Information.

(1) Harvest objective permits are valid only for the open harvest objective management units ~~[designated on the permit]~~ and for the specified seasons published in the proclamation of the Wildlife Board for taking cougar.

~~(2) A person may select up to up to three harvest objective management units, wherein the permit will be valid.~~

~~(3)~~(2) Harvest objective permits are not valid in a specified management unit after the harvest objective has been met for that specified management unit.

R657-10-~~34~~33. Harvest Objective Permit Sales.

(1) Harvest objective permits are available ~~[over the counter]~~ on a first-come, first-served basis beginning on the date published in the proclamation of the Wildlife Board for taking cougar ~~[from division offices].~~

(2) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

~~(3) Any harvest objective permit exchanged is not valid until the day after the exchange is made.]~~

R657-10-~~35~~34. Harvest Objective Unit Closures.

(1) To hunt in a harvest objective unit, a hunter must call 1-888-668-LION or visit the division's website to verify that the cougar management unit is still open. The phone line and website will be updated each day by 8 p.m.

(2) Harvest objective units are open to hunting until:

(a) ~~[the female cougar sub-objective for that unit is met;~~

~~(b)]~~ the cougar harvest objective for that unit is met; or

~~(c)]~~(b) the end of the hunting season as provided in the proclamation of the Wildlife Board for taking cougar.

(3) Upon closure of a harvest objective unit, a hunter may not take or pursue cougar except as provided in Section R657-10-~~26-]25.~~

~~(4) Any person who obtains a harvest objective cougar permit may exchange that permit as provided in Section R657-10-3.]~~

R657-10-~~36~~35. Harvest Objective Unit Reporting.

(1) Any person taking a cougar with a harvest objective permit ~~[shall report to the Division, when the permanent tag is]~~ must report to the division, within 48 hours, where the cougar was taken and have a permanent tag affixed pursuant to Section R657-10-~~16~~, where the cougar was killed]15.

(2) Failure to accurately report the correct harvest objective management unit where the cougar was killed is unlawful.

(3) Any conviction for failure to accurately report, or aiding or assisting in the failure to accurately report as required in Subsection (1) shall be considered prima facie evidence of a knowing and flagrant violation for purposes of permit suspension.

R657-10-~~37~~36. Wildlife Management Areas.

(1) A person may not use motor vehicles on division-owned wildlife management areas closed to motor vehicle use during the winter without first obtaining written authorization from the appropriate division regional office.

(2) The division may, in its sole discretion, authorize limited motor vehicle access to its wildlife management areas closed to such use during the winter provided:

- (a) the person seeking access possesses a valid cougar permit for the area;
- (b) motor vehicle access is necessary to effectively utilize the cougar permit; and
- (c) motor vehicle access will not interfere with wintering wildlife or wildlife habitat.

KEY: wildlife, cougar, game laws
~~[October 19, 2004]~~2005
 Notice of Continuation August 30, 2001
 23-14-18
 23-14-19



Natural Resources, Wildlife Resources
R657-11
Taking Furbearers

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 28189
 FILED: 08/31/2005, 16:16

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: Section R657-11-4 is being amended to clarify the process by which temporary bobcat tags may be obtained. Section R657-11-9 is being amended to reduce the number of registration numbers that are allowed on any trapping device. Section R657-11-10 is being amended to identify additional areas with trapping restrictions. In addition, Section R657-11-10 is being amended to include additional methods allowed for the checking of trapping

devices and to identify additional accepted trapping devices that may be used.

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

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This amendment clarifies existing requirements. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.
- ❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.
- ❖ OTHER PERSONS: This amendment clarifies existing requirements, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment clarifies existing requirements. DWR has determined that there are no additional compliance costs associated with this amendment.

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

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

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

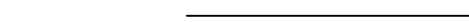
DIRECT QUESTIONS REGARDING THIS RULE TO:

Angela VanScoyk at the above address, by phone at 801-538-4707, by FAX at 801-538-4709, or by Internet E-mail at angelavanscoyk@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: James F Karpowitz, Director



R657. Natural Resources, Wildlife Resources.
R657-11. Taking Furbearers.
R657-11-4. Temporary Possession Tags for Bobcat.

(1) ~~[Any person who has obtained]~~ Temporary bobcat possession tags are only valid with a valid furbearer license.

~~(2) A person may [apply for]obtain up to six temporary bobcat possession tags.~~

~~[(2) Applications]~~(3) Temporary bobcat possession tags will be available [on]during the [date]dates published in the proclamation of the Wildlife Board for taking furbearers and may be obtained by submitting an application[from any division office or will be mailed upon request.

~~—(3) Applications must be received by the division no later than 5 p.m., on the date published in the proclamation of the Wildlife Board for taking furbearers. Applications completed incorrectly or received after the date published in the proclamation of the Wildlife Board for taking furbearers may be rejected.~~

~~—(4)(a) Applicants must provide a valid furbearer license number on the application.~~

~~—(b) The application must include \$5 for each tag requested. Applications may be delivered [to any division office or [sent to: Bobcat Application, P.O. Box 168888, Salt Lake City, Utah 84116-8888.] through the division's Internet address.~~

~~[(5)(a)]~~(4) Temporary bobcat possession tags are valid for the entire bobcat season.

R657-11-9. Identification Numbers.

(1) For the purposes of this section, "owner" means the person who has been issued a trap registration number, which is permanently marked or affixed to the trapping device.

(2) Each trapping device used to take furbearers must be permanently marked or tagged with the registered number of the [person using them:]owner.

~~[(2) Only the registration number of the person using the trapping device may be on the trapping device.~~

~~—(3) No more than two trap registration numbers]~~(3) No more than one trap registration number may be on a trapping device.

(4) [Identification]Registration numbers must be legible [and at least 1/4 inch in height].

(5) Registration numbers are permanent and may be obtained by mail or in person from any division office.

(6) Applicants must include their full name, including middle initial, and complete home address.

(7) A registration fee of \$5 must accompany the request. This fee is payable only once.

(8) Each individual is issued only one registration number.

(9) Any person who has obtained a registration number must notify the division within 30 days of any change in address or the theft of traps.

R657-11-10. Traps.

(1) All long spring, jump, or coil spring traps, except rubber-padded jaw traps, that are not completely submerged under water when set must have spacers on the jaws which leave an opening of at least 3/16 of an inch when the jaws are closed.

~~(2) [Trapping within 100 yards of either side of the Green River, or any of its tributaries up to one half mile from their confluence with]On the Green River, between Flaming Gorge Dam and the Utah [-]Colorado state line; and the Colorado River, between the Utah Colorado state line and Lake Powell; and the Escalante River, between Escalante and Lake Powell, trapping within 100 yards of either side of [the Colorado River, or any of its tributaries upstream to one half mile from their confluence with the Colorado River, between Highway US 191 and the Utah Colorado state line]these rivers or their tributaries, up to 1/2 mile from their~~

confluences, is restricted to the following [traps and trapping]devices:

(a) [nonlethal]Nonlethal-set leg hold traps with a jaw spread less than 5 [-]1/8 inches, and nonlethal-set padded leg hold traps. Drowning sets with these traps are prohibited[;].

(b) [body]Body-gripping, killing-type traps with body-gripping area less than 30 square inches (i.e., 110 Conibear)[; and].

(c) [nonlethal]Nonlethal dry land snares equipped with a stop-lock device that prevents it from closing to less than a six-inch diameter.

(d) Size 330, body-gripping, killing-type traps (i.e. Conibear) modified by replacing the standard V-trigger assembly with one top side parallel trigger assembly, with the trigger placed within one inch of the side, or butted against the vertical turn in the Canadian bend.

(3) A person may not disturb or remove any trapping device, except:

(a) a person who possesses a valid current year furbearer license, the appropriate permits or tags, and who has been issued a trapper registration number, which is permanently marked or affixed to the trapping device; or

(b) peace officers in the performance of their duties; or

(c) as provided in Subsection (6).

(4) A person may not kill or remove wildlife caught in any trapping device, except:

(a) a person who possesses a valid current year furbearer license, the appropriate permits or tags, and who has been issued a trapper registration number, which is permanently marked or affixed to the trapping device; or

(b) as provided in Subsection (6).

(5) For the purposes of this section, "owner" means the person who has been issued a trap registration number, which is permanently marked or affixed to the trapping device.

(6) A person, other than the owner, may possess, disturb or remove a trapping device; or possess, kill or remove wildlife caught in a trapping device provided:

(a) the person possesses a valid current year furbearer license, the appropriate permits or tags; and

(b) has obtained written authorization from the owner of the trapping device stating the following:

(i) date written authorization was obtained;

(ii) name and address of the owner;

(iii) owner's trap registration number;

(iv) the name of the individual being given authorization;

(v) signature of owner.

(7) The owner of any trapping device, providing written authorization to another person under Subsection (6), shall be strictly liable for any violations of this proclamation resulting from the use of the trapping device by the authorized person.

(8) The owner of any trapping device, providing written authorization to another person under Subsection (6), must keep a record of all persons obtaining written authorization and furnish a copy of the record upon request from a conservation officer.

~~(9)(a)]~~(5)(a) A person may not set any trap or trapping device on posted private property without the landowner's permission.

(b) Any trap or trapping device set on posted private property without the owner's permission may be sprung by the landowner.

(c) Wildlife officers should be informed as soon as possible of any illegally set traps or trapping devices.

~~[(6)](10)~~ Peace officers in the performance of their duties may seize all traps, trapping devices, and wildlife used or held in violation of this rule.

~~[(7)](11)~~ A person may not possess any trapping device that is not permanently marked or tagged with that person's registered trap number while engaged in taking wildlife.

~~[(8)](12)~~ All traps and trapping devices must be visited and checked at least once every 48 hours, except killing traps striking dorso-ventrally ~~[-and drowning sets-]; drowning sets; and lethal snares that are set to capture on the neck, that have a non relaxing lock, without a stop, and are anchored to an immovable object;~~ which must be visited every 96 hours.

~~[(9)](13)~~ A person may not transport or possess live protected wildlife. Any animal found in a trap or trapping device must be killed or released immediately by the trapper.

KEY: wildlife, furbearers, game laws, wildlife law

~~[October 19, 2004]2005~~

Notice of Continuation August 24, 2005

23-14-18

23-14-19

23-13-17



Public Safety, Driver License **R708-18** Regulatory and Administrative Fees

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 28165

FILED: 08/18/2005, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 227 passed in the 2005 legislature authorizing the Driver License Division to issue Driving Privilege Cards to those who qualify as per Section 53-3-205. Because of this change, it became necessary to update the definition section of this rule and change some of the code references to the new code numbering system adopted by the legislature. (DAR NOTE: S.B. 227 (2005) is found at UT L 2005 Ch 20, and was effective 03/08/2005.)

SUMMARY OF THE RULE OR CHANGE: The definition section of this rule needed to be updated to include information regarding the new Driving Privilege Card and to change some of the references to the new code numbering system.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53-3-3104(2) and 63-38-3(2), and Sections 53-3-105, 53-3-808, and 53-3-905

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no costs or savings associated with this rule change. This amendment changed some of the code references to the new numbering system adopted by the legislature and updated the definition section to include references to the new Driving Privilege Card.

❖ LOCAL GOVERNMENTS: There are no costs associated with this rule to local government because they are not involved in issuing Driving Privilege Cards.

❖ OTHER PERSONS: Other persons are not affected by this rule change because the changes involved updating the code references and the definition section.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this rule because the changes involved updating the code references and the definition section.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses because of this rule change. Robert Flowers, Commissioner

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

PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY UT 84119-5595, 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 by Internet E-mail at vroos@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Nannette Rolfe, Director

R708. Public Safety, Driver License. R708-18. Regulatory and Administrative Fees. R708-18-1. Authority.

This rule is authorized by Section 53-3-104(2), 53-3-105, 53-3-808, 53-3-905 and Subsection 63-38-3(2).

R708-18-2. Definitions as used in this chapter.

(1) "Accident Report" means an officer's report of an accident as described under Subsection ~~[41-6-35(4)]41-6a-402.~~

(2) "Accompanying data" means supplemental accident reports or addenda there to.

(3) "Driving Record", more commonly known as a Driver License Record (DLR) means a computer generated compilation of particular elements contained in the Driver License Division electronic database, consisting of:

- (a) Driver's name;
- (b) Driver's license or Driving Privilege Card number;
- (c) Driver's date of birth;
- (d) Driver's zip code;
- (e) Member of military;

- (f) Reportable arrests and convictions;
- (g) Reportable notices from courts indicating failure to comply with terms of a citation or failure to comply with terms set by the court, pursuant to UCA 53-3-221(2) and 53-3-221(3).
- (h) Reportable department actions;
- (i) ~~Driver license status~~ Driving Privilege Status;
- (j) Driver license or Driving Privilege Card issue/expiration dates; and
- (k) Driver license or Driving Privilege Card class/type/endorsement.
- (4) Driving Record - "Certified Copy" means an authenticated Driving Record and/or accident report and/or accompanying data prepared under the seal of the division. (Other records or information may be included only under order or rule of the court.)
- (5) "Photocopies" means the mechanical reproduction of an original digitized or filmed document.
- (6) "Recording" means a verbatim magnetic tape or digitized recording of sworn, or unsworn testimony, or information.

R708-18-3. Fees.

The Driver License Division charges user fees for some services. A schedule of these fees is available for public examination at any Driver License office location. These fees are set by the legislature in Section 53-3-105, 808, and 905, and in the annual appropriations act as recorded in "The 'Laws of Utah' as passed at the General Session of the Legislature".

R708-18-4. Exemptions.

The fees established may not be charged to any municipal, county, state or federal agency as defined in Subsection 53-3-105(33)(b).

R708-18-5. Records.

All fees charged shall be receipted and recorded under normal accounting principles established by the Driver License Division.

KEY: driver education, licensing, fees

~~October 28, 1996~~ 2005

Notice of Continuation July 30, 2001

63-38-3(2)

~~41-6-35(4)~~ 41-6a-402

53-3-104(2)

53-3-105

53-3-808

53-3-905

53-3-221(2)

53-3-221(3)



Public Safety, Fire Marshal
R710-6
 Liquefied Petroleum Gas Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28171

FILED: 08/26/2005, 09:50

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Liquefied Petroleum Gas Board met in a regularly scheduled Board meeting on August 5, 2005, and proposed that the Liquefied Petroleum Gas Rules be amended. The purpose of the rule amendment is to update an incorporated reference and add requirements for the placement of cathodic protection when installing underground Liquefied Petroleum (LP) Gas containers.

SUMMARY OF THE RULE OR CHANGE: The Utah Liquefied Petroleum Gas Board proposes to amend Rule R710-6 as follows: 1) in Subsection R710-6-1(1.3), the Board proposes to update an incorporated reference by replacing the 2002 edition of NFPA 1192, Standard on Recreational Vehicles, with the 2005 edition; and 2) in Subsection R710-6-8(8.6.7), the Board proposes to add requirements for the placement of cathodic protection on underground LP Gas containers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-305

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: National Fire Protection Association (NFPA), Standard 1192, Standard on Recreational Vehicles, 2005 edition.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There would be an anticipated cost to the state budget of approximately \$25 per volume to purchase the 2005 edition of NFPA 1192. There would be an aggregate anticipated cost to the state budget of approximately \$275 to purchase the needed volumes of the 2005 NFPA 1192 standard.

❖ **LOCAL GOVERNMENTS:** There would be no aggregate anticipated cost or savings to local government because this amendment does not affect local government due to the lack of enforcement by local government in a state mandated program.

❖ **OTHER PERSONS:** There would be an anticipated cost to other persons of approximately \$25 per volume to purchase the 2005 edition of NFPA 1192. It is impossible to predict with accuracy an aggregate anticipated total due to the fact that it is unknown how many recreational vehicle repair shops will purchase this newly updated standard and how many will be purchased per repair shop.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost for affected persons would be approximately \$25 per volume to purchase the newly updated 2005 edition of NFPA 1192. There would be no compliance cost for the installation of cathodic protection on underground containers because cathodic protection is already required in the currently adopted standards. The proposed amendments establish a minimum standard on how cathodic protection is installed with regard to depth, proximity, and location.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is a fiscal impact on businesses of approximately \$25 per volume to purchase the 2005 edition of NFPA 1192. The industry likes to use the

most current edition of the NFPA standards with regard to safety in the repair of LP Gas systems on recreational vehicles. Robert L. Flowers, Commissioner

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

PUBLIC SAFETY
FIRE MARSHAL
Room 302
5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-6. Liquefied Petroleum Gas Rules.

R710-6-1. Adoption, Title, Purpose and Scope.

Pursuant to Title 53, Chapter 7, Section 305, Utah State Code Annotated 1953, the Liquefied Petroleum Gas (LPG) Board adopts minimum rules to provide regulation to those who distribute, transfer, dispense or install LP Gas and/or its appliances in the State of Utah.

There is adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 58, LP Gas Code, 2004 edition, except as amended by provisions listed in R710-6-8, et seq.

1.2 National Fire Protection Association (NFPA), Standard 54, National Fuel Gas Code, 2002 edition, except as amended by provisions listed in R710-6-8, et seq.

1.3 National Fire Protection Association (NFPA), Standard 1192, Standard on Recreational Vehicles, [2002]2005 Edition, except as amended by provisions listed in R710-6-8, et seq.

1.4 International Fire Code (IFC), Chapter 38, 2003 edition, as published by the International Code Council, Inc. (ICC), except as amended by provisions listed in R710-6-8, et seq.

1.5 A copy of the above codes are on file with the Division of Administrative Rules, and the State Fire Marshal's Office. The definitions contained in the afore referenced codes shall also pertain to these rules.

1.6 Title.

These rules shall be known as "Rules Governing LPG Operations in the State of Utah" and may be cited as such, and will be hereinafter referred to as "these rules".

1.7 Validity.

If any article, section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to

statute, or exceeding the authority of the LPG Board such decision shall not affect the validity of the remaining portion of these rules.

1.8 Conflicts.

In the event where separate requirements pertain to the same situation in the same code, or between different codes or standards as adopted, the more restrictive requirement shall govern, as determined by the enforcing authority.

R710-6-8. Amendments and Additions.

The following amendments and additions are hereby adopted by the Board:

8.1 All LP Gas facilities that are located in a public place shall be inspected by a certified LP Gas serviceman every five (5) years for leaks in all buried piping as follows:

8.1.1 All buried piping shall be pressure tested and inspected for leaks as set forth in NFPA Standard 54, Sections 4.1.1 through 4.3.4.

8.1.2 If a leak is detected and repaired, the buried piping shall again be pressure tested for leaks.

8.1.3 The certified LP Gas serviceman shall keep a written record of the inspection and all corrections made to the buried piping located in a public place.

8.1.4 The inspection records shall be available to be inspected on a regular basis by the Division.

8.2 Whenever the Division is required to complete more than two inspections to receive compliance on an LP Gas System, container, apparatus, appliance, appurtenance, tank or tank trailer, or any pertinent equipment for the storage, transportation or dispensation of LP Gas, the Division shall charge to the owner for each additional inspection, the re-inspection fee as stated in R710-6-6.1(e).

8.3 All LP Gas containers of more than 5000 water gallons shall be inspected at least biannually for compliance with the adopted statute and rules. The following containers are exempt from this requirement:

8.3.1 Those excluded from the act in UCA, Section 53-7-303.

8.3.2 Containers under federal control.

8.3.3 Containers under the control of the U.S. Department of Transportation and used for transportation of LP Gas.

8.3.4 Containers located at private residences.

8.4 Those using self-serve key or card services shall be trained in safe filling practices by the licensed dealer providing the services. A letter shall be sent to the Division by the licensed dealer stating that those using the self-serve key or card service have been trained.

8.5 IFC Amendments:

8.5.1 IFC, Section 3801.2 Permits. On line 2 after the word "105.7" add "and the adopted LPG rules".

8.5.2 IFC, Section 3803.1 - General. After the word "Code" on line 2 insert ",NFPA 54.

8.5.3 IFC, Section 3809.12 Location of storage outside of buildings. On line three replace the number "20" with the number "10".

8.6 NFPA, Standard 58 Amendments:

8.6.1 NFPA, Standard 58, Section 5.2.1.1 is amended to add the following section: (c) All new, used or existing containers of 5000 water gallons or less, installed in the State of Utah or relocated within the State of Utah shall meet the requirements listed in ASME, Boiler and Pressure Vessel Code, "Rules for the Construction of Unfired Pressure Vessels". All new, used or existing containers of more than 5000 water gallons, installed in the State of Utah or relocated within the State of Utah shall meet the requirements listed

in ASME, Boiler and Pressure Vessel Code, "Rules for the Construction of Unfired Pressure Vessels", Section VIII, and shall either be registered by the National Board of Boiler and Pressure Vessel Inspectors or the Manufacturer's Data Report for Pressure Vessels, Form U-1A, be provided.

8.6.2 NFPA, Standard 58, Section 5.2.1.1 is amended to add the following section: (d) If an existing container is relocated within the State of Utah, and depending upon the container size, does not bear the required ASME construction code and/or National Board Stamping, the new owner may submit to the Division a request for "Special Classification Permit". Material specifications and calculations of the container shall be submitted to the Division by the new owner. Also, the new owner shall insure that a review of the proposed container be completed by a registered professional engineer experienced in pressure vessel container design and construction, and the new owner submit that report to the Division. The Division will approve or disapprove the proposed container. Approval by the Division shall be obtained before the container is set or filled with LP Gas.

8.6.3 NFPA, Standard 58, Section 5.2.1.5 is amended to add the following section: (a) Repairs and alterations shall only be made by those holding a National Board "R" Certificate of Authorization commonly known as an R Stamp.

8.6.4 NFPA, Standard 58, Section 6.6.3 is amended to add the following section: 6.6.3.9 Skid mounted ASME horizontal containers greater than 2000 water gallons, with non-fireproofed steel mounted attached supports, resting on concrete, pavement, gravel or firm packed earth, may be mounted on the attached supports to a maximum of 12 inches from the top of the skid to the bottom of the container.

8.6.5 NFPA Standard 58, Sections 5.8.3.2(3)(a) and (b) are deleted and rewritten as follows:

Type K copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

8.6.6 NFPA, Standard 58, Section 6.6.1.2 is amended to add the following: When guard posts are installed they shall be installed meeting the following requirements:

8.6.6.1 Constructed of steel not less than four inches in diameter and filled with concrete.

8.6.6.2 Set with spacing not more than four feet apart.

8.6.6.3 Buried three feet in the ground in concrete not less than 15 inches in diameter.

8.6.6.4 Set with the tops of the posts not less than three feet above the ground.

8.6.7 NFPA, Standard 58, Section 6.6.6 is amended to add the following: (M) All metallic equipment and components that are buried or mounded shall have cathodic protection installed to protect the metal.

8.6.7.1 Sacrificial anodes shall be installed as required by the size of the container. If more than one sacrificial anode is required they shall be evenly distributed around the container.

8.6.7.2 Sacrificial anodes shall be connected to the container or piping as recommended by the manufacturer or using accepted engineering practices.

8.6.7.3 Sacrificial anodes shall be placed as near the bottom of the container as possible and approximately two feet away from the container.

8.6.[7]8 NFPA, Standard 58, Section 8.4.1.1(1) is amended as follows: On line one remove "5ft (1.5m)" and replace it with "10 ft (3m)".

KEY: liquefied petroleum gas
~~January 19, 2005~~ **October 18, 2005**
Notice of Continuation July 5, 2001
53-7-305

▼ ————— ▼

School and Institutional Trust Lands, Administration **R850-11** Procurement

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 28186
FILED: 08/31/2005, 11:07

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The agency is proposing to streamline procurements of professional services by modifying the obligation to solicit bids, eliminate the requirement of consultation with the State Division of Purchasing on certain contracts, and make technical corrections to the rule.

SUMMARY OF THE RULE OR CHANGE: The rule is being modified to allow the agency to enter into noncompetitive contracts for professional services costing less than \$20,000 without the necessity of a Request for Proposal (RFP). The contractor would be selected from a list of prequalified contractors, solicited through annual advertising, or other qualified contractors. For professional services contracts over \$20,000, an RFP would be required and the winning bidder would be selected by the agency based on written findings of competence, ability to perform, past performance, and a determination that the proposed fees are reasonable. Standard sealed bidding could be utilized if it was determined that it was advantageous. Another modification to the rule is to raise the threshold for required competitive bidding for procurements other than professional services from the current \$2,000 to \$3,000. This modification is meant to keep a reasonable threshold in light of inflation since this rule was enacted. The third modification to this rule eliminates a general provision governing contracts whose scope is unknown and eliminates the requirement of consultation with the Division of Purchasing for construction contracts over \$50,000. The need for this consultation process has caused significant delays in letting various construction contracts in the past, which could potentially bring about a substantial loss to the trust.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53C-1-201(3)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: It is anticipated that there will be some unquantified savings to the state as a result of not having to prepare RFPs on smaller procurements and in being able to take advantage of good markets as they present themselves.

❖ LOCAL GOVERNMENTS: It is not anticipated that there would be either a cost or savings to local government as a direct result of these rule changes because local governments rarely provide the professional services that we would be seeking under this rule.

❖ OTHER PERSONS: It is anticipated that there could be some unquantified savings to other persons based on a reduction in the amount of time required to respond to multiple RFPs soliciting professional services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will most likely be reduced because of the reduction in the number of RFPs soliciting professional services to which they will need to respond.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The effect of this rule amendment is to streamline the procurement process employed by the Trust Lands Administration. Consequently, it is anticipated that modest savings could accrue to the business community due to a reduction in their efforts to submit duplicate proposals to enter into contracts to provide goods and services. Kevin S. Carter, Director

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

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
Room 500
675 E 500 S
SALT LAKE CITY UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

John W. Andrews at the above address, by phone at 801-538-5180, by FAX at 801-355-0922, or by Internet E-mail at jandrews@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Kevin S. Carter, Director

R850. School and Institutional Trust Lands, Administration.

R850-11. Procurement.

R850-11-100. Authorities.

This rule is authorized by Sections 6, 8, 10, and 12 of the Utah Enabling Act; Articles X and XX of the Utah Constitution, and ~~[Section 53C-1-201(3)(a)(iv)]~~ Subsection 53C-1-201(3)(e).

R850-11-150. Purposes.

~~[Section 53C-1-201(3)(a)(iv)]~~ Subsection 53C-1-201(3)(e) permits the agency to be exempted from the Utah Procurement Code upon board approval and adoption of alternative procurement procedures. This rule provides alternative procurement procedures that the agency may follow when procuring any goods and services

related to the administration of the agency or the management, development, leasing or sale of trust lands. Nothing in this rule shall be deemed to prevent the agency from procuring goods and services pursuant to the Utah Procurement Code or other applicable law whenever deemed advisable by the agency, or in circumstances where this rule is not applicable.

R850-11-200. Definitions.

For the purposes of this rule:

1. Provider: means an individual or firm engaged in the business of providing goods or services deemed necessary by the agency.

2. Professional Services: any professional services related to the administration of the agency or the management, development, leasing or sale of trust lands, including management consulting, accounting, auditing, legal, engineering, [construction] and planning, marketing, environmental, geological, mining engineering, architectural, [survey] surveying, appraisal, archaeological, real estate brokerage, planning, or such other services as needed.

R850-11-300. ~~[Statements of Qualification by Providers]~~ Professional Services.

1. The agency may from time to time request providers of professional services to submit a statement of qualifications containing information that the agency deems relevant to the provider's ability to provide quality ~~[goods or] services and the provider's hourly rates~~. At least once annually, the agency will advertise statewide its intent to accept statements of qualifications, and will maintain a ~~[log of providers who have submitted statements of qualifications for particular goods or services]~~ list of qualified providers with approved rates.

2. The purpose of prequalification is to provide the agency with basic information regarding providers for the agency's convenience. The agency is not required to solicit each or any prequalified provider for a particular ~~[good or] service~~ when it undertakes a procurement.

3. When the procurement of professional services is estimated to cost less than \$20,000, the agency may select the provider directly from either the list of providers who have submitted annual statements of qualifications, or from other qualified providers if necessary.

4. When the procurement is estimated to exceed \$20,000, a written request for proposal (RFP) shall be prepared which describes the agency's requirements and sets forth the evaluation criteria for the procurement. Consideration shall be given to publishing the RFP in a newspaper of general circulation or otherwise advertising the RFP to elicit additional responses from potential providers. The agency shall select the provider offering, as determined in the discretion of the director, the best combination of price, expertise, and other relevant factors. The director shall make a written determination, supported by the following reasons, that the selected provider is best qualified to provide the particular services being procured by the agency:

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

(b) ability to perform the services as reflected by workload and the availability of adequate personnel, equipment, and facilities to perform the services expeditiously;

(c) past performance as reflected by the services of the firm with respect to factors such as responsiveness, control of costs, quality of work, and an ability to meet deadlines; and

(d) a determination that the provider's fees are reasonable.

5. The agency may in its discretion issue contracts for professional services by competitive bid pursuant to R850-11-400 or R850-11-500 instead of utilizing the procedures in this section.

R850-11-400. Bidding Procedures - ~~Small~~Other Procurements.

1. Competitive bids are not required for procurements under ~~[\$2,000]~~\$3,000 unless the responsible agency staff member believes that the potential financial benefit to the trust beneficiaries from obtaining bids outweighs the staff time and costs associated with soliciting bids.

2. For procurements over ~~[\$2,000]~~\$3,000 and less than \$20,000, except for procurements of professional services undertaken pursuant to R850-11-300, the responsible agency staff member shall seek to obtain no less than two competitive bids. Bids may be solicited and received by telephone, but shall be noted in writing by the responsible agency staff member.

3. The provider offering the lowest bid shall be selected unless the director ~~[or responsible assistant director]~~ makes a written determination that a provider submitting a higher bid is better qualified to provide the particular services being procured by the agency.

4. Nothing in this rule shall prevent the agency from using existing statewide contracts for supplies, services and construction as set forth in R33-3-301(2).

R850-11-450. Bidding Procedures - Large Contracts.

1. For procurements ~~[of services]~~ anticipated to exceed \$20,000, except for procurements of professional services undertaken pursuant to R850-11-300, the agency shall prepare a written request for proposals (RFP) or invitation to bid describing information required by the agency in evaluating the proposal, which may include a description of the services required, a statement of the provider's experience and qualifications, any performance schedule or deadlines, billing rates, bid specifications, and other information relevant to the particular project.

2. The responsible agency staff member shall seek to obtain at least three written responses to the RFP. Consideration shall be given to publishing the RFP in a newspaper of general circulation or otherwise advertising the RFP to elicit additional responses from potential providers.

3. The provider offering the lowest bid shall be selected unless the director ~~[or the responsible assistant director]~~ makes a written determination, supported by detailed reasons, that a provider submitting a higher bid is better qualified to provide the particular services being procured by the agency. ~~[~~

~~4. For contracts involving the provision of services where the scope or duration of the services have not been determined at the time of procurement, the agency shall select the provider offering, as determined in the discretion of the director or the responsible assistant director, the best combination of price, expertise, and other relevant factors. The director or the responsible assistant director shall make a written determination, supported by detailed reasons, that the selected provider is best qualified to provide the particular services being procured by the agency.~~

~~5. For all procurements of construction anticipated to exceed \$50,000, the agency shall consult with the Division of Purchasing in advance of public dissemination of the RFP or bid documents.]~~

R850-11-500. Sole Source Procurements.

Where the agency has identified a provider that has special familiarity or qualifications with respect to a project, or that has previously worked on a related project, the agency may hire the provider without soliciting bids from other providers if the director ~~[or responsible assistant director]~~ finds in writing that hiring the particular provider is in the best interests of the trust beneficiaries, and that the provider's fee is reasonable.

R850-11-600. Real Estate Brokerage Services.

1. The agency is not required to solicit bids for real estate brokerage services, and may list trust lands with a licensed Utah broker as it sees fit.

2. Where the agency has not listed a property with a broker, but has undertaken internal marketing efforts, the agency is authorized but not obligated to pay a commission or finder's fee no greater than the prevailing market rates in the area to real estate brokers who have previously registered their client as directed by the agency, and who are the procuring cause of:

(a) the sale of trust lands; or

(b) a development transaction entered into by the agency pursuant to R850-140.

3. Commission amounts will be determined in the discretion of the agency based on type of transaction, prevailing market conditions, and any other relevant factors.

R850-11-700. Debt and Equity Investments.

Debt and equity investments made by the agency shall be exempt from the Utah Procurement Code, provided that such investments are part of a development transaction ~~[approved]~~reviewed by the board and entered into by the agency pursuant to R850-140.

R850-11-800. Documentation.

The agency will determine, based on the type of service requested and complexity of the project, the level of contractual documentation necessary in order to adequately protect the best interests of the trust. Formal contract documentation shall be subject to approval as to form by a representative of the attorney general's office.

R850-11-900. Bonding for Construction Services.

1. For construction services costing \$50,000 or higher, the agency shall require the chosen provider to deliver to the agency a performance bond and a payment bond in amounts equal to 100% of the price specified in the contract and executed by a surety company authorized to do business in this state or in any other form satisfactory to the agency;

2. For construction services costing less than \$50,000, the agency may require a performance bond and a payment bond as described in R850-11-700(1) if it determines that requiring such bonds is in the best interests of the trust.

R850-11-1000. Conflicts of Interest.

The agency shall not enter into any contract with a provider which violates or, on account of the factual circumstances or person involved, gives the appearance of a conflict of interest or a potential violation of the Utah Public Officer's and Employee's Ethics Act.

R850-11-1100. Appeals.

Appeals of agency procurement decisions shall be governed by Part H of Title 63, Chapter 56. All initial appeals shall be directed to the director of the agency, with a copy to the Director of the Division of Purchasing. The disposition of any appeal shall take into account the intended purpose of ~~Section~~ Subsection 53C-1-201(3)(a)(iv), which is to provide the agency with broad discretion and flexibility in procurement to facilitate businesslike management of trust lands.

KEY: government purchasing

~~March 17, 2000~~ October 18, 2005

Notice of Continuation April 24, 2002

~~53C-1-201(3)(a)(iv)~~ 53C-1-201(3)



Tax Commission, Auditing
R865-19S-78
 Charges for Labor to Repair or
 Renovate Tangible Personal Property
 Pursuant to Utah Code Ann. Section
 59-12-103

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28183

FILED: 08/30/2005, 12:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A recent amendment clarified a term recently added by S.B. 127 (2005) in Section 59-12-102, "permanently attached to real property". Based on public comment, that clarification is further clarified. (DAR NOTE: S.B. 127 (2005) is found at UT L 2005 Ch 158, and was effective 07/01/2005.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment makes clear that attachment to a utility supply pipeline may not be used to determine whether tangible personal property is permanently attached to real property; while attachment to a pipeline that is an integral part of the operations of an oil or gas field may be used to determine whether tangible personal property is permanently attached to real property.

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

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The substance of the law subsequent to S.B. 127 (2005) remains the same as does the practice.
- ❖ LOCAL GOVERNMENTS: None--The substance of the law subsequent to S.B. 127 (2005) remains the same as does the practice.
- ❖ OTHER PERSONS: None--The substance of the law subsequent to S.B. 127 (2005) remains the same as does the practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Recent statutory changes and this proposed amendment continue the current practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact to businesses as a result of this rule change. Pam Hendrickson, Commission Chair

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

TAX COMMISSION

AUDITING

210 N 1950 W

SALT LAKE CITY UT 84134, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Pam Hendrickson, Commission Chair

R865. Tax Commission, Auditing.**R865-19S. Sales and Use Tax.****R865-19S-78. Charges for Labor to Repair or Renovate Tangible Personal Property Pursuant to Utah Code Ann. Section 59-12-103.**

~~A-](1)(a)~~ ~~For~~ Except as provided in Subsection (1)(b), for purposes of applying the definition of "permanently attached to real property" under Section 59-12-102, the determination of whether the attachment of an item of tangible personal property to real property suggests that the tangible personal property will remain attached to the real property in the same place over the useful life of the tangible personal property shall be made without regard to the tangible personal property's attachment to a line that supplies water, electricity, gas, telephone, cable, or other similar services.

(b) Notwithstanding Subsection (1)(a), tangible personal property in an oil or gas field is permanently attached to real property if the tangible personal property is permanently attached to an oil, gas, or water pipeline that is permanently attached to real property, unless the only purpose of the pipeline is to provide utility services to the oil or gas field.

~~B-](2)~~ Sales of extended warranty agreements.

~~1-](a)~~ Sales of extended warranty agreements or service plans are taxable, and tax must be collected at the time of the sale of the agreement. The payment is considered to be for future repair, which would be taxable. If the extended warranty agreement covers parts as well as labor, any parts that are exempt from sales tax pursuant to Section 59-12-104 must be separately stated on the invoice or the entire charge under the extended warranty agreement is taxable. Repairs made under an extended warranty plan are exempt from tax, even if the plan was sold in another state.

~~(a)~~(i) Repair parts provided and services rendered under the warranty agreements or service plans are not taxable because the tax is considered prepaid as a result of taxing the sale of the warranty or service plan when it was sold.

~~(b)~~(ii) If the customer is required to pay for any parts or labor at the time of warranty service, sales tax must be collected on the amount charged to the customer. Sales tax must also be collected on any deductibles charged to customers for their share of the repair work done under the warranty agreement. Parts or materials that are exempt from sales tax pursuant to Section 59-12-104 must be separately stated on the invoice or the entire charge for labor and parts is taxable.

~~(2)~~(b) Extended warranties on items of tangible personal property that are converted to real property are not taxable. However, the taxable nature of parts and other items of tangible personal property provided in conjunction with labor under an extended warranty service shall be determined in accordance with R865-19S-58.

KEY: charities, tax exemptions, religious activities, sales tax 2005
Notice of Continuation April 5, 2002
59-12-103



Tax Commission, Motor Vehicle
R873-22M-34
Rule for Denial of Personalized Plate
Requests Pursuant to Utah Code Ann.
Sections 41-1a-104 and 41-1a-411

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 28184
 FILED: 08/30/2005, 16:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: While the division has followed the criteria in the proposed amendment, that criteria had never been included in the rule that sets forth criteria for disallowing a personalized license plate.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment indicates that the Motor Vehicle Division may not issue a personalized license plate if the request for letters, words, or numbers expresses affiliation or actions that may be construed to suggest endangerment to the public welfare.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-1a-104 and 41-1a-411

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--The amendment updates the standards the Motor Vehicle Division will use to determine if a personalized license plate may be issued; these updated standards codify the division's practice.

❖ **LOCAL GOVERNMENTS:** None--The amendment updates the standards the Motor Vehicle Division will use to determine if a personalized license plate may be issued; these updated standards codify the division's practice.

❖ **OTHER PERSONS:** None--The amendment updates the standards the Motor Vehicle Division will use to determine if a personalized license plate may be issued; these updated standards codify the division's practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--A person's particular request may or may not be allowed under the proposed criteria.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on Utah businesses. Pam Hendrickson, Commission Chair

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 TAX COMMISSION
 MOTOR VEHICLE
 210 N 1950 W
 SALT LAKE CITY UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: Pam Hendrickson, Commission Chair

R873. Tax Commission, Motor Vehicle.

R873-22M. Motor Vehicle.

R873-22M-34. Rule for Denial of Personalized Plate Requests Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-411.

~~(A)~~(1) The personalized plate is a non-public forum. Nothing in the issuance of a personalized plate creates a designated or limited public forum. The presence of a personalized plate on a vehicle does not make the plate a traditional public forum.

~~(B)~~(2) Pursuant to Section 41-1a-411(2), the division may not issue personalized license plates in the following formats:

~~(1)~~(a) Combination of letters, words, or numbers with any connotation that is vulgar, derogatory, profane, or obscene.

~~(2)~~(b) Combinations of letters, words, or numbers that connote breasts, genitalia, pubic area, buttocks, or relate to sexual and eliminatory functions. Additionally, "69" formats are prohibited unless used in a combination with the vehicle make, for example, "69 CHEV."

~~(3)~~(c) Combinations of letters, words, or numbers that connote the substance, paraphernalia, sale, user, purveyor of, or physiological state produced by any illicit drug, narcotic, or intoxicant.

~~(4)~~(d) Combinations of letters, words, or numbers that express contempt, ridicule, or superiority of a race, religion, deity, ethnic heritage, gender, or political affiliation.

(e)(i) Combinations of letters, words, or numbers that express affiliations or actions that may be construed to suggest endangerment to the public welfare.

(ii) Examples of letters, words, or numbers described in Subsection (4)(e)(i) include words, signs, or symbols that represent:

(A) illegal activity;

(B) organized crime associations; or

(C) gang or gang terminology.

(iii) The division shall consult with local, state, and national law enforcement agencies to establish criteria to determine whether a combination of letters, words, or numbers express affiliations or actions that may be construed to suggest endangerment to the public welfare.

~~[C-]~~(3) If the division denies a requested combination, the applicant may request a review of the denial, in writing, within 15 days from the date of notification. The request must be directed to the Director of the Motor Vehicle Division and should include a detailed statement of the reasons why the applicant believes the requested license plates are not offensive or misleading.

~~[D-]~~(4) The director shall review the format for connotations that may reasonably be detected through linguistic, numerical, or phonetic modes of communication. The review may include:

~~[1-]~~(a) translation from foreign languages;

~~[2-]~~(b) an upside down or reverse reading of the requested format; and

~~[3-]~~(c) the use of references such as dictionaries or glossaries of slang, foreign language, or drug terms.

~~[E-]~~(5) The director shall consider the applicant's declared definition of the format, if provided.

~~[F-]~~(6) If the requested format is rejected by the director, the division shall notify the applicant in writing of the right to appeal the

decision through the appeals process outlined in Tax Commission rule R861-1A-22.

~~[G-]~~(7) If, after issuance of a personalized license plate, the commission becomes aware through written complaint that the format may be prohibited under ~~[B-]~~Subsection R873-22M-34(1), the division shall again review the format.

~~[H-]~~(8) If the division determines pursuant to ~~[F-]~~Subsection R873-22M-34(1) that the issued format is prohibited, the holder of the plates shall be notified in writing and directed to surrender the plates. This determination is subject to the review and appeal procedures outlined in ~~[B- through F-]~~Subsections R873-22M-34(2) through (5).

~~[I-]~~(9) A holder required to surrender license plates shall be issued a refund for the amount of the personalized license plate application fee and for the prorated amount of the personalized license plate annual renewal fee, or shall be allowed to apply for replacement personalized license plates at no additional cost.

~~[J-]~~(10) If the holder of plates found to be prohibited fails to voluntarily surrender the plates within 30 days after the mailing of the notice of the division's final decision that the format is prohibited, the division shall cancel the personalized license plates and suspend the vehicle registration.

KEY: taxation, motor vehicles, aircraft, license plates

~~[June 8-]~~2005

Notice of Continuation April 5, 2002

41-1a-104

41-1a-411



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 October 17, 2005. At its option, the agency may hold public hearings.

From the end of the waiting period through January 13, 2006, 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.

Health, Community and Family Health Services, Children with Special Health Care Needs
R398-1
Newborn Screening

NOTICE OF CHANGE IN PROPOSED RULE

DAR File No.: 28074
Filed: 08/31/2005, 15:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Administrative Rules Review Committee requested that the Department provide detail about the types of disorders for which infants are screened.

SUMMARY OF THE RULE OR CHANGE: A listing of the specific disorders in the screening battery is added. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 1, 2005, issue of the Utah State Bulletin, on page 4. 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 amendment 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: Subsections 26-1-30(2)(a), (b), (c), (d), and (g); and Section 26-10-6

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: This change has no cost or savings impact. It does not impose or relieve any requirements listed in the original proposed rule.
LOCAL GOVERNMENTS: This change has no cost or savings impact. It does not impose or relieve any requirements listed in the original proposed rule.
OTHER PERSONS: This change has no cost or savings impact. It does not impose or relieve any requirements listed in the original proposed rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for adding the list of disorders.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Adding the list of disorders that will be screened for during routine newborn testing should not have a fiscal impact on impacted businesses. David N. Sundwall, MD Executive Director

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

HEALTH
COMMUNITY AND FAMILY HEALTH SERVICES,
CHILDREN WITH SPECIAL HEALTH CARE NEEDS
44 N MEDICAL DR
SALT LAKE CITY UT 84113, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Fay Keune at the above address, by phone at 801-584-8256, by FAX at 801-536-0966, or by Internet E-mail at fkeune@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/17/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/2005

AUTHORIZED BY: David N. Sundwall, Executive Director

R398. Health, Community and Family Health Services, Children with Special Health Care Needs.
R398-1. Newborn Screening.

.....

R398-1-3. Implementation.

(1) Each newborn in the state of Utah shall submit to the Newborn Screening testing, except as provided in Section R398-1-11.

(2) The Department of Health, after consulting with the Genetic Advisory Committee, will determine the Newborn Screening battery of tests based on demonstrated effectiveness and available funding. Disorders for which the infant blood is screened are:

- (a) Biotinidase Deficiency;
(b) Congenital Adrenal Hyperplasia;
(c) Congenital Hypothyroidism;
(d) Galactosemia;
(e) Hemoglobinopathy;
(f) Amino Acid Metabolism Disorders:
(i) Phenylketonuria (phenylalanine hydroxylase deficiency and variants);
(ii) Tyrosinemia type 1(fumarylacetoacetate hydrolase deficiency);
(iii) Tyrosinemia type 2 (tyrosine amino transferase deficiency);
(iv) Tyrosinemia type 3 (4-OH-phenylpyruvate dioxygenase deficiency);
(v) Maple Syrup Urine Disease (branched chain ketoacid dehydrogenase deficiency);

- (vi) Homocystinuria (cystathionine beta synthase deficiency);
- (vii) Citrullinemia (arginino succinic acid synthase deficiency);
- (viii) Argininosuccinic aciduria (arginino succinic acid lyase deficiency);
- (ix) Argininemia (arginase deficiency);
- (x) Hyperprolinemia type 2 (pyrroline-5-carboxylate dehydrogenase deficiency);
- (g) Fatty Acid Oxidation Disorders:
- (i) Medium Chain Acyl CoA Dehydrogenase Deficiency;
- (ii) Very Long Chain Acyl CoA Dehydrogenase Deficiency;
- (iii) Short Chain Acyl CoA Dehydrogenase Deficiency;
- (iv) Long Chain 3-OH Acyl CoA Dehydrogenase Deficiency;
- (v) Short Chain 3-OH Acyl CoA Dehydrogenase Deficiency;
- (vi) Primary carnitine deficiency (OCTN2 carnitine transporter defect);
- (vii) Carnitine Palmitoyl Transferase I Deficiency;
- (viii) Carnitine Palmitoyl Transferase 2 Deficiency;
- (ix) Carnitine Acylcarnitine Translocase Deficiency;
- (x) Multiple Acyl CoA Dehydrogenase Deficiency; and
- (h) Organic Acids Disorders:
- (i) Propionic Acidemia (propionyl CoA carboxylase deficiency);
- (ii) Methylmalonic acidemia (multiple enzymes);

- (iii) Isovaleric acidemia (isovaleryl CoA dehydrogenase deficiency);
- (iv) 2-Methylbutyryl CoA dehydrogenase deficiency;
- (v) Isobutyryl CoA dehydrogenase deficiency;
- (vi) 2-Methyl-3-OH-butyryl-CoA dehydrogenase deficiency;
- (vii) Glutaric acidemia type 1 (glutaryl CoA dehydrogenase deficiency);
- (viii) 3-Methylcrotonyl CoA carboxylase deficiency;
- (ix) 3-Ketothiolase deficiency;
- (x) 3-Hydroxy-3-methyl glutaryl CoA lyase deficiency; and
- (xi) Holocarboxylase synthase (multiple carboxylases) deficiency.

.....

KEY: health care, newborn screening
2005
Notice of Continuation September 22, 2004
26-1-30(2)(a), (b), (c), (d), and (g)
26-10-6
26-1-6



End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

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

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28193
FILED: 09/01/2005, 12:50

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 63, provides for the licensure of contract security companies, armed private security officers, and unarmed private security officers. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-63-201(3) provides that the Security Services Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) 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 63, with respect to contract security companies, armed private security officers, and unarmed private security officers.

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 this rule was last reviewed in September 2000, it has been amended three times. In September 2001, amendments were filed which deleted references to alarm response runners due to statute changes and also amended the requirements regarding security guard uniforms. A September 20, 2001, rule hearing was conducted. No written comments were received by the Division with respect to this rule filing. However, due to comments made during the rule hearing, a change in proposed rule filing was filed to further amend the uniform requirements. That rule filing was made effective on December 4, 2001. In May 2003, numerous changes were

again made to this rule regarding qualifications for licensure, unprofessional conduct, and operating standards for the profession. A May 22, 2003, rule hearing was conducted. The Division received letters from the following persons: a May 2, 2003, letter from Robert C. Anderton, Chairman of the Professional Alliance of Contract Security Companies (PASCO); a May 4, 2003, letter from Greg Valdez, Executive Vice President, CBI Security Services; a May 6, 2003, letter from Mr. Anderton, General Manager, Peak Alarm; and a May 13, 2003, letter from Tom Griffith. Mr. Anderton's letter representing PASCO, agreed with some of the proposed rule changes and suggested some minor modifications to other sections being amended. Mr. Anderton's letter representing Peak Alarm supported proposed changes being made in Section R156-63-610 of the rule regarding vehicle requirements. The letter from Greg Valdez of CBI Security Services had concerned regarding hours of training for armed private security officers and the requirements for security vehicles. As a result of comments made during the rule hearing and the above-identified written comments received by the Division, a change in proposed rule filing was filed wherein two previously proposed amendments (additional training hours for armed private security officers and security guard uniform issues) were deleted. That rule filing was made effective on August 18, 2003. In January 2004, amendments were filed to the rule regarding basic education/training programs, basic firearms training program requirements and additional changes to uniform and vehicle operating standards. A February 4, 2004, rule hearing was conducted with respect to the proposed amendments. As a result of these proposed amendments, the Division received letters from the following persons: a December 22, 2003, letter from Mel Ratz/Securitas Security Services opposing the amendments regarding uniforms; a December 15, 2003, letter from Lorraine Kapp/CBI Security Services opposing the amendments regarding uniforms; a November 19, 2003, letter from Robert C. Anderton/PASCO association addressing the proposed uniform amendments; a January 12, 2004, email from Cory Green/Utah Community Protective Services opposed to the uniform amendments but supporting the proposed firearm training amendments; a January 19, 2004, letter from Joe Chapman/Chapman Security and Investigations opposing the proposed uniform amendments and supporting the basic education program and continuing education amendments; a January 30, 2004, e-mail from Ken

Wallentine/Utah Peace Officers Association in which they supported the proposed amendments regarding uniforms and firearm training; and a January 28, 2004, e-mail from Val Shupe/Chiefs of Police Association in which they expressed no concerns regarding the proposed amendments to this rule.

The Division and the Security Services Licensing Board reviewed the above-identified letters as well as comments offered during the February 4, 2004, rule hearing and determined that the proposed amendments filed in this rule filing would become effective without further changes and that filing was made effective on March 4, 2004.

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 provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 63, with respect to contract security companies, armed private security officers and unarmed private security officers. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@utah.gov

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 09/01/2005



Natural Resources, Wildlife Resources

R657-11

Taking Furbearers

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 28168
FILED: 08/24/2005, 09:53

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to

provide rules to regulate and prescribe the means by which protected wildlife may be taken.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources (DWR) received written comments in opposition of the use of steel-leg traps on hiking trails in the Bountiful Bench road area. DWR and the Wildlife Board have also received several verbal comments during public meetings, both in support and opposition to Rule R657-11. Verbal comment received during the last five-year review period included hunting seasons and hunting methods for furbearers. Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes and administrative record for this rule at DWR.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-11 provides the application procedures, standards, and requirements for taking furbearers. The provisions adopted in this rule are effective in providing the standards and requirements for taking furbearers. Continuation of this rule is necessary for continued success of the furbearer program and providing furbearer hunting opportunities.

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Angela VanScoyk at the above address, by phone at 801-538-4707, by FAX at 801-538-4709, or by Internet E-mail at angelavanscoyk@utah.gov

AUTHORIZED BY: James F Karpowitz, Director

EFFECTIVE: 08/24/2005



Workforce Services, Workforce Information and Payment Services

R994-207

Unemployment

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 28170
FILED: 08/25/2005, 15:34

**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 35A-4-207 states that "the department shall prescribe rules" defining total unemployment, partial unemployment, etc. This rule defines those terms including how they apply to self-employed individuals, corporate officers, volunteers, commission salespersons, etc. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no comments, written or otherwise, regarding this rule in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to help determine when an individual is unemployed and is

required by Section 35A-4-207. Without this rule, the department would not be consistent in determining benefits in cases involving self-employed individuals, volunteers, corporate officers, and cases of partial employment.

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

WORKFORCE SERVICES
WORKFORCE INFORMATION
AND PAYMENT SERVICES
140 E 300 S
SALT LAKE CITY UT 84111-2333, 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 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 08/25/2005



End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Alcoholic Beverage Control

Administration

No. 27847 (CPR): R81-4D-14. Reporting Requirement.
Published: July 15, 2005
Effective: August 26, 2005

No. 27847 (AMD): R81-4D-14. Reporting Requirement.
Published: May 15, 2005
Effective: August 26, 2005

Commerce

Consumer Protection

No. 28058 (NEW): R152-39. Child Protection Registry Rules.
Published: July 15, 2005
Effective: August 16, 2005

Real Estate

No. 27951 (CPR): R162-2-1. Exam Application.
Published: July 15, 2005
Effective: August 17, 2005

No. 27951 (AMD): R162-2-1. Exam Application.
Published: June 15, 2005
Effective: August 17, 2005

No. 28059 (AMD): R162-9-2. Education Providers.
Published: July 15, 2005
Effective: August 17, 2005

Education

Administration

No. 28064 (AMD): R277-407. School Fees.
Published: July 15, 2005
Effective: August 23, 2005

No. 28065 (AMD): R277-451. The State School Building Program.
Published: July 15, 2005
Effective: August 23, 2005

Environmental Quality

Water Quality

No. 28054 (AMD): R317-1. Definitions and General Requirements.
Published: July 15, 2005
Effective: August 22, 2005

Health

Epidemiology and Laboratory Services, Epidemiology
No. 27853 (AMD): R386-702-9. Special Measures to Prevent Perinatal and Person-to-Person Transmission of Hepatitis B Infection.
Published: May 15, 2005
Effective: August 25, 2005

Community and Family Health Services, Children with Special Health Care Needs

No. 27941 (AMD): R398-10. Autism Spectrum Disorders and Mental Retardation Reporting.
Published: June 15, 2005
Effective: August 30, 2005

Health Care Financing, Coverage and Reimbursement Policy

No. 28066 (AMD): R414-504. Nursing Facility Payments.
Published: July 15, 2005
Effective: August 16, 2005

Insurance

Administration

No. 27810 (CPR): R590-146. Medicare Supplement Insurance Standards.
Published: July 15, 2005
Effective: August 25, 2005

No. 27810 (AMD): R590-146. Medicare Supplement Insurance Minimum Standards.
Published: May 1, 2005
Effective: August 25, 2005

Natural Resources

Parks and Recreation

No. 28056 (AMD): R651-205-9. Jordan River.
Published: July 15, 2005
Effective: August 16, 2005

NOTICES OF RULE EFFECTIVE DATES

Public Service Commission

Administration

No. 28057 (NEW): R746-510. Funding for Speech and Hearing Impaired Certified Interpreter Training.

Published: July 15, 2005

Effective: August 25, 2005

No. 28050 (AMD): R865-19S-98. Sales to Nonresidents of Vehicles, Off-highway Vehicles, and Boats Required to be Registered, and Sales to Nonresidents of Boat Trailers and Outboard Motors Pursuant to Utah Code Ann. 59-12-104.

Published: July 15, 2005

Effective: September 1, 2005

Regents (Board Of)

No. 28084 (AMD): R765-605-4. Policy.

Published: August 1, 2005

Effective: September 1, 2005

No. 28062 (REP): R765-685. Utah Educational Savings Plan Trust.

Published: July 15, 2005

Effective: August 17, 2005

Motor Vehicle

No. 28046 (AMD): R873-22M-27. Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-418, 41-1a-419, 41-1a-420, and 41-1a-421.

Published: July 15, 2005

Effective: September 1, 2005

Tax Commission

Auditing

No. 28049 (AMD): R865-19S-90. Telephone Service Pursuant to Utah Code Ann. Section 59-12-103.

Published: July 15, 2005

Effective: September 1, 2005

Workforce Services

Employment Development

No. 28063 (AMD): R986-600. Workforce Investment Act.

Published: July 15, 2005

Effective: August 16, 2005

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2005, including notices of effective date received through September 1, 2005, the effective dates of which are no later than September 15, 2005. 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).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

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.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
<u>Child Welfare Parental Defense (Office of)</u>					
R19-1	Parental Defense Training Standards	27518	CPR	05/13/2005	2005-2/94
R19-1	Parental Defense Counsel Training	27518	NEW	05/13/2005	2004-22/9
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	27603	AMD	03/15/2005	2005-2/2
R23-2	Procurement of Architect-Engineer Services	27605	AMD	03/15/2005	2005-2/7
R23-3	Planning and Programming for Capital Projects	27615	AMD	03/15/2005	2005-2/9
R23-4	Suspension/Debarment and Contract Performance Review Committee	27610	AMD	03/15/2005	2005-2/10
R23-26	Dispute Resolution	27614	NEW	03/15/2005	2005-2/12
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	27848	AMD	07/01/2005	2005-10/7

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations</u>					
R27-1-2	Definitions	27546	AMD	01/10/2005	2004-23/3
R27-3-6	Application for Commute or Take Home Use	27599	NSC	02/01/2005	Not Printed
R27-4	Vehicle Replacement and Expansion of State Fleet	27543	AMD	01/10/2005	2004-23/5
R27-4-1	Authority	27594	NSC	02/01/2005	Not Printed
R27-6	Fuel Dispensing Program	27544	AMD	01/10/2005	2004-23/7
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	27880	AMD	07/14/2005	2005-11/5
R35-1a	State Records Committee Definitions	27621	NEW	03/08/2005	2005-2/17
R35-1a	State Records Committee Definitions	27700	NSC	04/01/2005	Not Printed
R35-2	Declining Appeal Hearings	27625	AMD	03/04/2005	2005-2/18
R35-3	Prehearing Conferences	27622	AMD	03/04/2005	2005-2/19
R35-4	Compliance with State Records Committee Decisions and Orders	27624	AMD	03/04/2005	2005-2/20
R35-5	Subpoenas Issued by the Records Committee	27623	AMD	03/04/2005	2005-2/21
R35-6	Expedited Hearing	27620	AMD	03/04/2005	2005-2/22
Agriculture and Food					
<u>Administration</u>					
R51-1	Public Petitions for Declaratory Rulings.	28196	5YR	09/02/2005	Not Printed
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	27570	AMD	01/18/2005	2004-24/5
R58-1-7	Swine	27687	AMD	03/18/2005	2005-4/8
R58-2	Diseases, Inspections and Quarantines	27581	AMD	02/01/2005	2005-1/9
R58-7	Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons	27688	5YR	02/01/2005	2005-4/47
R58-10	Meat and Poultry Inspection	27693	5YR	02/03/2005	2005-5/28
R58-11	Slaughter of Livestock	28197	5YR	09/02/2005	Not Printed
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments.	28198	5YR	09/02/2005	Not Printed
R58-13	Custom Exempt Slaughter	28199	5YR	09/02/2005	Not Printed
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act.	28200	5YR	09/02/2005	Not Printed
R58-16	Swine Garbage Feeding	28201	5YR	09/02/2005	Not Printed
R58-17	Aquaculture and Aquatic Animal Health	27696	5YR	02/03/2005	2005-5/28
R58-21	Trichomoniasis	27694	5YR	02/03/2005	2005-5/29
R58-22	Equine Infectious Anemia (EIA)	27695	5YR	02/03/2005	2005-5/29
<u>Chemistry Laboratory</u>					
R63-1	Fee Schedule	28203	5YR	09/02/2005	Not Printed
<u>Marketing and Conservation</u>					
R65-1	Utah Apple Marketing Order	28204	5YR	09/02/2005	Not Printed
R65-3	Utah Turkey Marketing Order	28205	5YR	09/02/2005	Not Printed
R65-4	Utah Egg Marketing Order	28206	5YR	09/02/2005	Not Printed
R65-10	Agriculture Resource Development Loans (ARDL)	27787	5YR	03/31/2005	2005-8/56

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees.	28207	5YR	09/06/2005	Not Printed
R68-2	Utah Commercial Feed Act Governing Feed.	28208	5YR	09/06/2005	Not Printed
R68-3	Utah Fertilizer Act Governing Fertilizers and Soil Amendments	27645	5YR	01/07/2005	2005-3/58
R68-6	Utah Nursery Act.	28209	5YR	09/06/2005	Not Printed
R68-8-2	Noxious Weed Seeds and Weed Seed Restrictions	27773	NSC	05/01/2005	Not Printed
R68-9-2	Designation and Publication of State Noxious Weeds	27774	NSC	05/01/2005	Not Printed
R68-10	Quarantine Pertaining to the European Corn Borer.	28211	5YR	09/06/2005	Not Printed
R68-12	Quarantine Pertaining to Mint Wilt.	28212	5YR	09/06/2005	Not Printed
R68-20	Utah Organic Standards	27697	5YR	02/04/2005	2005-5/30
<u>Regulatory Services</u>					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing.	28213	5YR	09/06/2005	Not Printed
R70-440	Egg Products Inspection	27514	NSC	01/01/2005	Not Printed
R70-440-2	Adopt by Reference	27628	AMD	02/15/2005	2005-2/23
R70-440-2	Adopt by Reference	27667	NSC	03/01/2005	Not Printed
R70-540-14	Exemptions	27569	AMD	03/18/2005	2004-24/7
R70-610	Uniform Retail Wheat Standards of Identity.	28194	5YR	09/02/2005	Not Printed
R70-620	Enrichment of Flour and Cereal Products.	28195	5YR	09/02/2005	Not Printed
R70-960-7	Registration Certificate Displayed	27523	NSC	01/01/2005	Not Printed
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1-6	Violation Schedule	27947	AMD	08/01/2005	2005-12/4
R81-1-7	Disciplinary Hearings	27948	AMD	08/01/2005	2005-12/5
R81-1-24	Responsible Alcohol Service Plan	27949	AMD	08/01/2005	2005-12/7
R81-4D-14	Reporting Requirement	27847	CPR	08/26/2005	2005-14/74
R81-4D-14	Reporting Requirement	27847	AMD	08/26/2005	2005-10/11
R81-5-5	Advertising	27725	AMD	05/01/2005	2005-6/3
R81-5-14	Membership Fees and Monthly Dues	27726	AMD	05/01/2005	2005-6/4
R81-5-15	Minors in Lounge or Bar Areas	27869	NSC	06/01/2005	Not Printed
R81-5-17	Visitor Cards	27727	AMD	05/01/2005	2005-6/5
Capitol Preservation Board (State)					
<u>Administration</u>					
R131-1	Procurement of Architectural and Engineering Services	27711	5YR	02/16/2005	2005-6/33
R131-2	Capitol Hill Facility Use	27712	5YR	02/16/2005	2005-6/33
R131-7	State Capitol Preservation Board Master Planning Policy	27713	5YR	02/16/2005	2005-6/34
R131-8	CPB Facilities and Grounds: Maintenance of Aesthetics	27631	NEW	03/03/2005	2005-2/24
R131-9	State Capitol Preservation Board Art Program and Policy	27632	NEW	03/03/2005	2005-2/26
Commerce					
<u>Administration</u>					
R151-1	Department of Commerce General Provisions	27633	NEW	02/15/2005	2005-2/29

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R151-46b	Department of Commerce Administrative Procedures Act Rules	27636	AMD	02/15/2005	2005-2/32
<u>Consumer Protection</u>					
R152-39	Child Protection Registry Rules	28058	NEW	08/16/2005	2005-14/6
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	27499	NSC	01/01/2005	Not Printed
R156-16a-302b	Qualifications for Licensure - Examination Requirements	27993	AMD	08/02/2005	2005-13/6
R156-17a	Pharmacy Practice Act Rules	27786	REP	05/17/2005	2005-8/2
R156-17b	Pharmacy Practice Act Rules	27529	CPR	05/17/2005	2005-8/43
R156-17b	Pharmacy Practice Act Rules	27529	CPR	05/17/2005	2005-4/31
R156-17b	Pharmacy Practice Act Rules	27529	NEW	05/17/2005	2004-23/20
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	27698	AMD	04/04/2005	2005-5/2
R156-26a	Certified Public Accountant Licensing Act Rules	27835	AMD	06/21/2005	2005-10/12
R156-31b	Nurse Practice Act Rules	27600	AMD	02/17/2005	2005-2/36
R156-31b	Nurse Practice Act Rules	27714	NSC	04/01/2005	Not Printed
R156-31b	Nurse Practice Act Rules	27992	AMD	08/02/2005	2005-13/6
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	27752	5YR	03/15/2005	2005-7/75
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	27987	AMD	08/02/2005	2005-13/13
R156-38b	State Construction Registry Rules	27734	NEW	04/18/2005	2005-6/6
R156-47b	Massage Therapy Practice Act Rules	27548	AMD	03/07/2005	2004-24/7
R156-47b	Massage Therapy Practice Act Rules	27548	CPR	03/07/2005	2005-3/51
R156-50	Private Probation Provider Licensing Act Rules	27435	CPR	01/18/2005	2004-24/58
R156-50	Private Probation Provider Licensing Act Rules	27435	AMD	01/18/2005	2004-20/12
R156-55a	Utah Construction Trades Licensing Act Rules	27942	AMD	07/18/2005	2005-12/13
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	28048	5YR	06/28/2005	2005-14/97
R156-56	Utah Uniform Building Standard Act Rules	27489	AMD	01/01/2005	2004-21/6
R156-56-704	Statewide Amendments to the IBC	27490	AMD	01/01/2005	2004-21/11
R156-60c	Professional Counselor Licensing Act Rules	27749	5YR	03/14/2005	2005-7/75
R156-61-502	Unprofessional Conduct	27538	AMD	01/04/2005	2004-23/40
R156-63	Security Personnel Licensing Act Rules	28193	5YR	09/01/2005	2005-18/73
R156-71-202	Naturopathic Physician Formulary	27533	AMD	01/04/2005	2004-23/41
<u>Real Estate</u>					
R162-2-1	Exam Application	27951	CPR	08/17/2005	2005-14/75
R162-2-1	Exam Application	27951	AMD	08/17/2005	2005-12/15
R162-2-2	Licensing Procedure	27720	NSC	04/01/2005	Not Printed
R162-6-1	Improper Practices	27940	AMD	07/20/2005	2005-12/16
R162-9-2	Education Providers	28059	AMD	08/17/2005	2005-14/7
R162-102-1	Application	27797	AMD	05/25/2005	2005-8/12
R162-103-5	Appraisal Education Requirements	27950	AMD	07/27/2005	2005-12/17
R162-107	Unprofessional Conduct	27788	AMD	05/25/2005	2005-8/14
R162-109	Administrative Proceedings	27946	AMD	07/27/2005	2005-12/18
R162-202	Initial Application	27943	AMD	08/03/2005	2005-12/21
R162-208	Continuing Education	27945	AMD	08/03/2005	2005-12/22

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	27732	5YR	02/28/2005	2005-6/34
R164-2-1	Investment Adviser Performance-Based Compensation Contracts	27735	NSC	04/01/2005	Not Printed
R164-9-1	Registration by Coordination	27777	EMR	03/25/2005	2005-8/53
Community and Economic Development					
<u>Community Development, Community Services</u>					
R202-202-202	Opening and Closing Dates for HEAT Program	27418	AMD	01/12/2005	2004-19/24
R202-203-324	Income Deductions	27421	AMD	01/12/2005	2004-19/25
R202-203-328	Self-Employment Income	27419	AMD	01/12/2005	2004-19/26
R202-207-702	Records Management	27420	AMD	01/12/2005	2004-19/27
<u>Community Development, History</u>					
R212-11	Historic Preservation Tax Credit	28055	5YR	06/30/2005	2005-14/97
Corrections					
<u>Administration</u>					
R251-113	Distribution of Reimbursement for the Felony Probation Inmate Costs Reimbursement Program/Fund	28086	5YR	07/13/2005	2005-15/43
R251-303	Offenders' Use of Telephones	28085	5YR	07/13/2005	2005-15/43
Education					
<u>Administration</u>					
R277-107	Educational Services Outside of Educator's Regular Employment	28140	5YR	08/15/2005	2005-17/54
R277-400	School Emergency Response Plans	27539	NSC	01/01/2005	Not Printed
R277-407	School Fees	27798	AMD	05/19/2005	2005-8/15
R277-407	School Fees	28064	AMD	08/23/2005	2005-14/8
R277-410	Accreditation of Schools	27705	AMD	04/01/2005	2005-5/8
R277-411	Elementary School Accreditation	27706	AMD	04/01/2005	2005-5/10
R277-412	Junior High and Middle School Accreditation	27707	AMD	04/01/2005	2005-5/13
R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools	27708	AMD	04/01/2005	2005-5/16
R277-422	State Supported Voted Leeway, Local Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs	27702	NSC	03/01/2005	Not Printed
R277-437	Student Enrollment Options	27799	AMD	05/19/2005	2005-8/17
R277-438	Dual Enrollment	27800	AMD	05/19/2005	2005-8/19
R277-444	Distribution of Funds to Arts and Sciences Organizations	27932	AMD	07/18/2005	2005-12/24
R277-451	The State School Building Program	28065	AMD	08/23/2005	2005-14/10
R277-459	Teachers' Supplies and Materials Appropriation	28075	5YR	07/06/2005	2005-15/44
R277-464	Highly Impacted Schools	28076	5YR	07/06/2005	2005-15/44
R277-473	Testing Procedures	27547	AMD	01/04/2005	2004-23/43
R277-473	Testing Procedures	27872	5YR	05/09/2005	2005-11/90
R277-474	School Instruction and Human Sexuality	28141	5YR	08/15/2005	2005-17/54
R277-475	Patriotic Education	28142	5YR	08/15/2005	2005-17/55
R277-476	Incentives for Elementary Reading Program	28143	5YR	08/15/2005	2005-17/55
R277-480	Advanced Readers at Risk	27933	REP	07/18/2005	2005-12/27
R277-486-6	Mapping Degree Summary Data to Statutory Formula	27873	NSC	07/01/2005	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-501	Educator Licensing Renewal, Highly Qualified and Timelines	27722	5YR	02/23/2005	2005-6/35
R277-520	Appropriate Licensing and Assignment of Teachers	28077	5YR	07/06/2005	2005-15/45
R277-602	Special Needs Scholarships - Funding and Procedures	28026	EMR	06/14/2005	2005-13/47
R277-700-6	High School Requirements	27874	NSC	07/01/2005	Not Printed
R277-705-6	Utah Basic Skills Competency Testing Requirements and Procedures	27710	AMD	04/01/2005	2005-5/19
R277-713	Concurrent Enrollment of High School Students in College Courses	27662	AMD	03/21/2005	2005-4/14
R277-713	Concurrent Enrollment of High School Students in College Courses	27875	NSC	07/01/2005	Not Printed
R277-725	Electronic High School	27507	NSC	01/01/2005	Not Printed
R277-733	Adult Education Programs	27592	AMD	02/01/2005	2005-1/10
R277-746	Driver Education Programs for Utah Schools	27520	NSC	01/01/2005	Not Printed

Environmental Quality

Air Quality

R307-101-2	Definitions	27818	AMD	07/07/2005	2005-9/4
R307-101-2	Definitions	27755	CPR	09/02/2005	2005-15/25
R307-101-2	Definitions	27755	AMD	09/02/2005	2005-7/2
R307-101-2	Definitions	28029	AMD	09/08/2005	2005-13/24
R307-103	Administrative Procedures	28221	5YR	09/07/2005	Not Printed
R307-110	General Requirements: State Implementation Plan	28111	NSC	08/01/2005	Not Printed
R307-110	General Requirements: State Implementation Plan	28224	5YR	09/08/2005	Not Printed
R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	27768	CPR	09/02/2005	2005-15/28
R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	27768	AMD	09/02/2005	2005-7/6
R307-110-11	Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide	27429	CPR	03/04/2005	2005-3/52
R307-110-11	Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide	27429	AMD	03/04/2005	2004-19/37
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	27343	AMD	01/04/2005	2004-17/12
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	27343	CPR	01/04/2005	2004-23/53
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits	27769	CPR	09/02/2005	2005-15/29
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits	27769	AMD	09/02/2005	2005-7/7
R307-115	General Conformity	28078	5YR	07/07/2005	2005-15/45
R307-165	Emission Testing	27756	CPR	09/02/2005	2005-15/31
R307-165	Emission Testing	27756	AMD	09/02/2005	2005-7/8
R307-165	Emission Testing	28215	5YR	09/07/2005	Not Printed
R307-201	Emission Standards: General Emission Standards	27757	AMD	09/02/2005	2005-7/9
R307-201	Emission Standards: General Emission Standards	27757	CPR	09/02/2005	2005-15/32
R307-201	Emission Standards: General Emission Standards	28214	5YR	09/07/2005	Not Printed
R307-204-3	Definitions	27758	AMD	07/07/2005	2005-7/11
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	27764	AMD	07/07/2005	2005-7/12
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	28223	5YR	09/07/2005	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-206	Emission Standards: Abrasive Blasting	27759	AMD	07/07/2005	2005-7/15
R307-206	Emission Standards: Abrasive Blasting	28217	5YR	09/07/2005	Not Printed
R307-207	Emission Standards: Residential Fireplaces and Stoves	27760	NEW	09/02/2005	2005-7/16
R307-207	Emission Standards: Residential Fireplaces and Stoves	27760	CPR	09/02/2005	2005-15/33
R307-210	Stationary Sources	27665	AMD	04/19/2005	2005-4/17
R307-302	Davis, Salt Lake, Utah Counties: Residential Fireplaces and Stoves	27761	AMD	09/02/2005	2005-7/17
R307-302	Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves	27761	CPR	09/02/2005	2005-15/34
R307-302	Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves.	28219	5YR	09/07/2005	Not Printed
R307-305	Nonattainment and Maintenance Areas for PM10: Emission Standards	27762	CPR	09/02/2005	2005-15/36
R307-305	Davis, Salt Lake, and Utah Counties and Ogden City and Nonattainment Areas for PM10: Particulates	27762	AMD	09/02/2005	2005-7/19
R307-305	Nonattainment and Maintenance Areas for PM10: Emission Standards.	28216	5YR	09/07/2005	Not Printed
R307-306	PM10 Nonattainment and Maintenance Areas: Abrasive Blasting	27763	NEW	09/02/2005	2005-7/22
R307-306	PM10 Nonattainment and Maintenance Areas: Abrasive Blasting	27763	CPR	09/02/2005	2005-15/38
R307-307	Davis, Salt Lake, and Utah Counties: Road Salting and Sanding	28218	5YR	09/07/2005	Not Printed
R307-309	Nonattainment and Maintenance Areas for PM10: Fugitive Emissions and Fugitive Dust	27765	CPR	09/02/2005	2005-15/39
R307-309	Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	27765	AMD	09/02/2005	2005-7/24
R307-309	Nonattainment and Maintenance Areas for PM10: Fugitive Emissions and Fugitive Dust.	28220	5YR	09/07/2005	Not Printed
R307-310	Salt Lake County: Trading of Emission Budgets for Transportation Conformity.	28222	5YR	09/07/2005	Not Printed
R307-310-5	Transition Provision	27766	AMD	07/07/2005	2005-7/27
R307-310-5	Transition Provision	28080	NSC	09/01/2005	Not Printed
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program (5YR EXTENSION)	27701	NSC	07/07/2005	Not Printed
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program	28079	5YR	07/07/2005	2005-15/46
R307-421	Permits: PM10 Offset Requirements in Salt Lake County and Utah County	27767	NEW	07/07/2005	2005-7/28
<u>Drinking Water</u>					
R309-100	Administration: Drinking Water Program	27912	5YR	05/16/2005	2005-11/90
R309-105	Administration: General Responsibilities of Public Water Systems	27907	5YR	05/16/2005	2005-11/91
R309-110	Administration: Definitions	27911	5YR	05/16/2005	2005-11/91
R309-115	Administration: Administrative Procedures	27908	5YR	05/16/2005	2005-11/92
R309-150	Water System Rating Criteria	27909	5YR	05/16/2005	2005-11/92
R309-200	Monitoring and Water Quality: Drinking Water Standards	27913	5YR	05/16/2005	2005-11/93
R309-205	Monitoring and Water Quality: Source Monitoring Requirements	27917	5YR	05/16/2005	2005-11/93
R309-210	Monitoring and Water Quality: Distribution System Monitoring	27918	5YR	05/16/2005	2005-11/94
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring	27910	5YR	05/16/2005	2005-11/94
R309-220	Monitoring and Water Quality: Public Notification Requirements	27914	5YR	05/16/2005	2005-11/95

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	27905	5YR	05/16/2005	2005-11/95
R309-300	Certification Rules for Water Supply Operators	27906	5YR	05/16/2005	2005-11/96
R309-305	Certification Rules for Backflow Technicians	27617	NSC	02/01/2005	Not Printed
R309-305	Certification Rules for Backflow Technicians	27915	5YR	05/16/2005	2005-11/96
R309-305	Certification Rules for Backflow Technicians (5YR EXTENSION)	27780	NSC	05/16/2005	Not Printed
R309-405	Compliance and Enforcement: Administrative Penalty (5YR EXTENSION)	27781	NSC	05/16/2005	Not Printed
R309-405	Compliance and Enforcement: Administrative Penalty	27916	5YR	05/16/2005	2005-11/97
R309-600	Drinking Water Source Protection for Groundwater Sources	27816	5YR	04/14/2005	2005-9/76
R309-600	Drinking Water Source Protection For Ground-Water Sources	27775	NSC	05/01/2005	Not Printed
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	27815	5YR	04/14/2005	2005-9/76
<u>Radiation Control</u>					
R313-12	General Provisions	27746	AMD	05/13/2005	2005-7/29
R313-15	Standards for Protection Against Radiation	27744	AMD	05/13/2005	2005-7/33
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	27991	AMD	08/12/2005	2005-13/26
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	27745	AMD	05/13/2005	2005-7/34
R313-22	Specific Licenses	27747	AMD	05/13/2005	2005-7/36
R313-32	Medical Use of Radioactive Material	27748	AMD	05/13/2005	2005-7/38
R313-34	Requirements for Irradiators	27738	5YR	03/08/2005	2005-7/76
R313-34-1	Requirements for Irradiators	27646	NSC	02/01/2005	Not Printed
<u>Solid and Hazardous Waste</u>					
R315-16	Standards for Universal Waste Management	28095	5YR	07/19/2005	2005-16/53
R315-102	Penalty Policy	28094	5YR	07/19/2005	2005-16/53
<u>Water Quality</u>					
R317-1	Definitions and General Requirements	27659	AMD	04/20/2005	2005-3/5
R317-1	Definitions and General Requirements	28054	AMD	08/22/2005	2005-14/13
R317-1-7	TMDLs	27817	AMD	06/29/2005	2005-9/5
R317-2	Standards of Quality for Waters of the State	27593	CPR	06/01/2005	2005-9/72
R317-2	Standards of Quality for Waters of the State	27593	AMD	06/01/2005	2005-1/13
R317-3-10	Lagoons	27658	AMD	04/20/2005	2005-3/10
R317-4	Onsite Wastewater Systems	27699	5YR	02/10/2005	2005-5/30
R317-7	Underground Injection Control (UIC) Program	27596	NSC	02/01/2005	Not Printed
R317-8-3	Application Requirements	27657	AMD	04/20/2005	2005-3/12
R317-10-6	Facility Classification System	27656	AMD	04/20/2005	2005-3/18
Governor					
<u>Planning and Budget, Chief Information Officer</u>					
R365-101	Utah Geographic Information Systems Advisory Council	27545	NEW	03/09/2005	2004-23/45
Health					
<u>Administration</u>					
R380-40	Local Health Department Minimum Performance Standards	27571	AMD	02/02/2005	2004-24/9

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R380-40	Local Health Department Minimum Performance Standards	27990	5YR	06/06/2005	2005-13/51
<u>Epidemiology and Laboratory Services, Epidemiology</u>					
R386-702	Communicable Disease Rule	27496	AMD	05/16/2005	2004-21/13
R386-702	Communicable Disease Rule	27496	CPR	05/16/2005	2005-3/53
R386-702-9	Special Measures to Prevent Perinatal and Person-to-Person Transmission of Hepatitis B Infection	27853	AMD	08/25/2005	2005-10/17
R386-800	Immunization Coordination	27934	5YR	05/24/2005	2005-12/89
<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-600	Illegal Drug Operations Decontamination Standards	27650	NEW	05/02/2005	2005-3/19
<u>Community and Family Health Services, Immunization</u>					
R396-100	Immunization Rule for Students	27897	AMD	07/21/2005	2005-11/6
<u>Community and Family Health Services, Children with Special Health Care Needs</u>					
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting	27941	AMD	08/30/2005	2005-12/61
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1	Utah Medicaid Program	27805	AMD	06/03/2005	2005-9/6
R414-1B	Prohibition of Payment for Certain Abortion Services	27582	NSC	02/01/2005	Not Printed
R414-7A	Medicaid Certification of New Nursing Facilities	27806	AMD	06/03/2005	2005-9/10
R414-7D	Intermediate Care Facility for the Mentally Retarded Transition Project	27505	NEW	01/03/2005	2004-22/15
R414-10A-6	Prior Authorization	27486	NSC	01/01/2005	Not Printed
R414-14	Home Health Service	27733	AMD	04/26/2005	2005-6/12
R414-14A	Hospice Care	27925	R&R	07/02/2005	2005-11/9
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	27985	5YR	06/03/2005	2005-13/51
R414-31	Inpatient Psychiatric Services for Individuals Under Age 21 in Psychiatric Facilities or Programs	27854	AMD	06/15/2005	2005-10/19
R414-33	Targeted Case Management Services	27986	5YR	06/03/2005	2005-13/52
R414-33A	Targeted Case Management for the Chronically Mentally Ill	27956	REP	07/20/2005	2005-12/62
R414-33C	Targeted Case Management for the Homeless	27703	NEW	04/07/2005	2005-5/23
R414-33D	Targeted Case Management by Community Mental Health Centers for Individuals with Serious Mental Illness	27958	NEW	07/20/2005	2005-12/64
R414-34-6	Qualified Providers	27589	AMD	02/01/2005	2005-1/21
R414-36-6	Qualified Providers	27591	AMD	02/01/2005	2005-1/22
R414-49	Dental Service	27840	AMD	07/01/2005	2005-10/21
R414-53	Eyeglasses Services	27849	AMD	07/01/2005	2005-10/22
R414-61	Home and Community Based Waivers	27741	5YR	03/11/2005	2005-7/77
R414-61-2	Incorporation by Reference	27586	AMD	02/01/2005	2005-1/23
R414-63	Medicaid Policy for Pharmacy Reimbursement	27549	AMD	01/26/2005	2004-24/13
R414-90	Diabetes Self-Management Training	27557	AMD	01/19/2005	2004-24/15
R414-200	Non-Traditional Medicaid Health Plan Services	27588	AMD	02/01/2005	2005-1/24
R414-301	Medicaid General Provisions	27902	AMD	07/02/2005	2005-11/16
R414-304	Income and Budgeting	27923	AMD	07/02/2005	2005-11/18
R414-305-2	Family Medicaid and Family Institutional Medicaid Resource Provisions	27879	AMD	07/02/2005	2005-11/23
R414-309	Medicare Drug Benefit Low-Income Subsidy Determination	27901	NEW	07/02/2005	2005-11/25

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-401-3	Assessment	27852	AMD	07/01/2005	2005-10/24
R414-504	Nursing Facility Payments	27851	AMD	07/01/2005	2005-10/24
R414-504	Nursing Facility Payments	28066	AMD	08/16/2005	2005-14/18
R414-507	Medicaid Long Term Care Managed Care	27629	NEW	02/15/2005	2005-2/42
R414-507	Medicaid Long Term Care Managed Care	27935	AMD	07/20/2005	2005-12/66
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-12	Emergency Medical Services Training and Certification Standards	27519	AMD	02/01/2005	2004-22/26
R426-13	Emergency Medical Services Provider Designations	27521	AMD	02/01/2005	2004-23/47
R426-14-303	Ambulance Service and Paramedic Service Licensure	27584	NSC	02/01/2005	Not Printed
R426-15	Licensed and Designated Provider Operations	27522	AMD	02/01/2005	2004-23/48
<u>Health Systems Improvement, Licensing</u>					
R432-7	Specialty Hospital - Psychiatric Hospital Construction	27674	5YR	01/28/2005	2005-4/47
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	27675	5YR	01/28/2005	2005-4/48
R432-9	Specialty Hospital - Rehabilitation Construction Rule	27676	5YR	01/28/2005	2005-4/48
R432-10	Specialty Hospital - Long-Term Acute Care Construction Rule	27677	5YR	01/28/2005	2005-4/49
R432-11	Specialty Hospital - Orthopedic Hospital Construction	27678	5YR	01/28/2005	2005-4/49
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	27679	5YR	01/28/2005	2005-4/50
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	27680	5YR	01/28/2005	2005-4/50
R432-14	Birthing Center Construction Rule	27681	5YR	01/28/2005	2005-4/51
R432-30	Adjudicative Procedure	27682	5YR	01/28/2005	2005-4/51
R432-150	Nursing Care Facility	27884	AMD	08/05/2005	2005-11/26
R432-270	Assisted Living Facilities	27683	5YR	01/31/2005	2005-4/52
R432-270-10	Admissions	27692	AMD	05/10/2005	2005-5/24
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
R444-14	Rule for the Certification of Environmental Laboratories	27850	AMD	07/01/2005	2005-10/26
<u>Medical Examiner</u>					
R448-10	Unattended Death and Reporting Requirements	27988	5YR	06/06/2005	2005-13/52
R448-20	Access to Medical Examiner Reports	27989	5YR	06/06/2005	2005-13/53
Human Resource Management					
<u>Administration</u>					
R477-2	Administration	27885	AMD	07/02/2005	2005-11/29
R477-4-7	Rehire	27886	AMD	07/02/2005	2005-11/31
R477-6	Compensation	27904	AMD	07/02/2005	2005-11/32
R477-7	Leave	27896	AMD	07/02/2005	2005-11/36
R477-8	Working Conditions	27889	AMD	07/02/2005	2005-11/41
R477-10	Employee Development	27887	AMD	07/02/2005	2005-11/43
R477-11-2	Dismissal or Demotion	27888	AMD	07/02/2005	2005-11/46
R477-12-3	Reduction in Force	27890	AMD	07/02/2005	2005-11/47

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Human Services					
<u>Administration, Administrative Services, Licensing</u>					
R501-18	Abuse Background Screening	27673	5YR	01/27/2005	2005-4/52
R501-19	Residential Treatment Programs	27839	5YR	04/25/2005	2005-10/51
R501-20	Day Treatment Programs	27836	5YR	04/21/2005	2005-10/51
R501-21	Outpatient Treatment Programs	27837	5YR	04/22/2005	2005-10/52
R501-22	Residential Support Programs	27838	5YR	04/22/2005	2005-10/52
<u>Aging and Adult Services</u>					
R510-104	Nutrition Programs for the Elderly (NPE)	28040	5YR	06/22/2005	2005-14/98
R510-401	Utah Caregiver Support Program	28039	5YR	06/22/2005	2005-14/98
<u>Child and Family Services</u>					
R512-75	Rules Governing Adjudication of Consumer Complaints	27883	5YR	05/12/2005	2005-11/98
R512-75	Rules Governing Adjudication of Consumer Complaints	27981	AMD	08/03/2005	2005-13/29
R512-306	Independent Living Services, Education and Training Voucher Program	27982	AMD	08/03/2005	2005-13/31
<u>Substance Abuse and Mental Health</u>					
R523-1	Policies and Procedures	27638	AMD	03/07/2005	2005-3/28
<u>Recovery Services</u>					
R527-10	Disclosure of Information to the Office of Recovery Services	27640	5YR	01/06/2005	2005-3/58
R527-40	Retained Support	27642	5YR	01/06/2005	2005-3/59
R527-40	Retained Support	27648	AMD	03/14/2005	2005-3/30
R527-67	Locate, Use of Subpoena Duces Tecum	27938	REP	08/10/2005	2005-12/67
R527-67	Locate, Use of Subpoena Duces Tecum (5YR EXTENSION)	27842	NSC	08/10/2005	Not Printed
R527-210	Guidelines for Setting Child Support Awards	27534	REP	01/04/2005	2004-23/49
R527-255	Substantial Change in Circumstances	27647	AMD	03/14/2005	2005-3/30
R527-332	Unreimbursed Assistance Calculation	28089	5YR	07/14/2005	2005-15/47
R527-394	Posting Bond or Security	27881	5YR	05/12/2005	2005-11/98
R527-450	Federal Tax Refund Intercept	28090	5YR	07/14/2005	2005-15/47
R527-475	State Tax Refund Intercept	27641	5YR	01/06/2005	2005-3/59
<u>Services for People with Disabilities</u>					
R539-1	Eligibility	27568	AMD	01/25/2005	2004-24/17
R539-2	Civil Rights	27651	REP	03/12/2005	2005-3/31
R539-2	Service Coordination	27626	NEW	03/12/2005	2005-2/45
R539-2-5	Person-Centered Process	27794	NSC	05/01/2005	Not Printed
R539-2-6	Entry Into and Movement Within Service System	27792	AMD	05/17/2005	2005-8/29
R539-3	Rights and Protections	27627	NEW	03/12/2005	2005-2/47
R539-3	Service Coordination	27652	REP	03/12/2005	2005-3/34
R539-3-10	Prohibited Procedures	27793	AMD	05/17/2005	2005-8/30
R539-4	Quality Assurance	27753	REP	05/03/2005	2005-7/58
R539-4	Behavior Interventions	27724	NEW	05/03/2005	2005-6/16
R539-5	Preparation and Maintenance of Client Records	27802	REP	05/17/2005	2005-8/31
R539-5	Self-Administered Services	27801	NEW	05/17/2005	2005-8/33
R539-5-5	Employee Requirements	27939	NSC	06/01/2005	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R539-7	Home Based Services	28037	EMR	06/20/2005	2005-14/94
R539-8	Community-Based Services	27795	REP	05/17/2005	2005-8/35
Insurance					
<u>Administration</u>					
R590-88	Prohibited Transactions Between Agents and Unauthorized Multiple Employer Trusts	27684	5YR	01/31/2005	2005-4/53
R590-93	Replacement of Life Insurance and Annuities	27829	R&R	06/08/2005	2005-9/12
R590-99-4	Definition and Classification of Unfair or Deceptive Practices and Material Inducements	27723	NSC	04/01/2005	Not Printed
R590-102-13	Dedicated Fees	27715	NSC	04/01/2005	Not Printed
R590-128	Unfair Discrimination Based Solely on the Failure to Maintain Auto Insurance (Revised)	27685	5YR	01/31/2005	2005-4/53
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	27686	5YR	01/31/2005	2005-4/54
R590-140	Reference Filings of Rate Service Organization Prospective Loss Costs	27785	5YR	03/31/2005	2005-8/56
R590-146	Medicare Supplement Insurance Minimum Standards	27810	AMD	08/25/2005	2005-9/19
R590-146	Medicare Supplement Insurance Standards	27810	CPR	08/25/2005	2005-14/76
R590-147	Annual and Quarterly Statement Filing Instructions	27556	R&R	02/10/2005	2004-24/21
R590-148-12	Applications, Enrollment and Replacement of Coverage	27719	AMD	04/28/2005	2005-6/19
R590-163	Filing Quarterly Statements	27554	REP	02/10/2005	2004-24/23
R590-164	Uniform Health Billing Rule	27784	5YR	03/31/2005	2005-8/57
R590-171	Surplus Lines Procedures Rule	28027	5YR	06/14/2005	2005-13/53
R590-172	Notice to Uninsurable Applicants for Health Insurance	27866	5YR	05/05/2005	2005-11/98
R590-174	Diskette Filing of Annual and Quarterly Statements	27555	REP	02/10/2005	2004-24/24
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	27644	5YR	01/07/2005	2005-3/60
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	27558	AMD	02/10/2005	2004-24/25
R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	28028	5YR	06/15/2005	2005-13/54
R590-202	Condition-Specific Exclusion Riders in Individual Health Insurance Policies	28120	5YR	08/01/2005	2005-16/54
R590-203	Health Grievance Review Process and Disability Claims	27504	AMD	07/22/2005	2004-22/47
R590-203	Health Grievance Review Process and Disability Claims	27504	CPR	07/22/2005	2005-11/87
R590-203	Health Grievance Review Process and Disability Claims	27504	CPR	07/22/2005	2005-2/95
R590-212	Requirement for Interest Bearing Accounts Used by Title Insurance Agencies for Trust Fund Deposits	27776	NSC	05/01/2005	Not Printed
R590-225-3	Documents Incorporated by Reference	27709	AMD	07/22/2005	2005-5/26
R590-225-3	Documents Incorporated by Reference	27709	CPR	07/22/2005	2005-10/49
R590-226-3	Documents Incorporated by Reference	27716	AMD	04/28/2005	2005-6/21
R590-227-3	Incorporation by Reference	27717	AMD	04/28/2005	2005-6/22
R590-228-3	Documents Incorporated by Reference	27718	AMD	04/28/2005	2005-6/23
R590-231	Workers' Compensation Market of Last Resort	27488	NEW	05/20/2005	2004-21/15
R590-231	Workers' Compensation Market of Last Resort	27488	CPR	05/20/2005	2005-8/50
R590-231	Workers' Compensation Market of Last Resort	27488	CPR	05/20/2005	2005-3/55

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Judicial Conduct Commission					
<u>Administration</u>					
R595-1	Rules of Procedure	27580	REP	02/01/2005	2005-1/26
R595-1	General Provisions	27330	NEW	02/01/2005	2004-17/18
R595-1	General Provisions	27330	CPR	02/01/2005	2004-24/59
R595-2	Administration	27331	CPR	02/01/2005	2004-24/60
R595-2	Administration	27331	NEW	02/01/2005	2004-17/23
R595-3	Procedure	27332	NEW	02/01/2005	2004-17/24
R595-3	Procedure	27332	CPR	02/01/2005	2004-24/61
R595-3-10	Discipline by Consent	27668	NSC	02/01/2005	Not Printed
R595-4	Sanctions	27333	CPR	02/01/2005	2004-24/64
R595-4	Sanctions	27333	NEW	02/01/2005	2004-17/26
R595-4-2	Sanctions Guidelines	27807	AMD	06/02/2005	2005-9/37
Labor Commission					
<u>Antidiscrimination and Labor, Antidiscrimination</u>					
R606-3	Nondiscrimination Clause to be used in Contracts Entered into by the State of Utah and its Agencies	28003	5YR	06/08/2005	2005-13/54
R606-4	Advertising	28004	5YR	06/08/2005	2005-13/55
R606-5	Employment Agencies	28005	5YR	06/08/2005	2005-13/55
R606-6	Regulation of Practice and Procedure on Employer Reports and Records	28002	5YR	06/08/2005	2005-13/56
<u>Antidiscrimination and Labor, Fair Housing</u>					
R608-1-8	Response to Complaint	28126	EMR	08/02/2005	2005-17/52
<u>Industrial Accidents</u>					
R612-1-3	Official Forms	27892	AMD	07/02/2005	2005-11/49
R612-2-1	Definitions	27894	AMD	07/02/2005	2005-11/51
R612-2-2	Authority	27895	AMD	07/02/2005	2005-11/52
R612-2-3	Filings	27900	AMD	07/02/2005	2005-11/53
R612-2-5	Regulation of Medical Practitioner Fees	27899	AMD	07/02/2005	2005-11/54
R612-2-18	Dental Injuries	27893	AMD	07/02/2005	2005-11/56
R612-2-22	Medical Records	27891	AMD	07/02/2005	2005-11/57
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	28013	AMD	08/02/2005	2005-13/33
R614-7-4	Residential-Type Construction, Raising Framed Walls	27903	AMD	07/02/2005	2005-11/60
<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	27616	AMD	03/07/2005	2005-2/49
R616-3-3	Safety Codes for Elevators	27590	AMD	02/01/2005	2005-1/30
Money Management Council					
<u>Administration</u>					
R628-11	Maximum Amount of Public Funds Allowed to be Held by any Qualified Depository	27689	AMD	03/22/2005	2005-4/18
R628-15	Certification as an Investment Adviser	27743	NEW	05/05/2005	2005-7/60
R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	27742	R&R	05/05/2005	2005-7/64

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Natural Resources					
<u>Oil, Gas and Mining: Coal</u>					
R645-105	Blaster Training, Examination and Certification	27778	5YR	03/25/2005	2005-8/58
R645-400	Inspection and Enforcement: Division Authority and Procedures	27779	5YR	03/25/2005	2005-8/58
<u>Parks and Recreation</u>					
R651-101	Adjudicative Proceedings	28091	5YR	07/14/2005	2005-15/48
R651-202	Boating Advisory Council	27560	AMD	01/15/2005	2004-24/28
R651-205-7	Palisade Lake	27559	AMD	01/15/2005	2004-24/29
R651-205-9	Jordan River	28056	AMD	08/16/2005	2005-14/57
R651-206	Carrying Passengers for Hire	27561	AMD	01/15/2005	2004-24/29
R651-206	Carrying Passengers for Hire	27664	NSC	02/01/2005	Not Printed
R651-209	Registration Expiration	27562	REP	01/15/2005	2004-24/32
R651-211	Assigned Numbers	27563	AMD	01/15/2005	2004-24/33
R651-212	Display of Yearly Registration Decals and Month of Expiration Decals	27564	AMD	01/15/2005	2004-24/34
R651-215	Personal Flotation Devices	27565	AMD	01/15/2005	2004-24/35
R651-223	Vessel Accident Reporting	28092	5YR	07/14/2005	2005-15/48
R651-401	Off-Highway Vehicle and Registration Stickers	27566	AMD	01/15/2005	2004-24/37
R651-409	Minimum Amounts of Liability Insurance Coverage for an Organized Practice or Sanctioned Race	28061	5YR	07/01/2005	2005-14/99
R651-634	Snowmobile User Fee - Non-Residents	28060	5YR	07/01/2005	2005-14/99
R651-634-1	User Fees	27920	NSC	06/01/2005	Not Printed
<u>Forestry, Fire and State Lands</u>					
R652-70-1900	Camping and Motor Vehicles	27750	AMD	05/20/2005	2005-7/66
R652-70-2300	Management of Bear Lake Sovereign Lands	27740	AMD	05/20/2005	2005-7/67
R652-120	Wildland Fire	27843	5YR	04/28/2005	2005-10/53
<u>Water Rights</u>					
R655-3	Reports of Water Right Conveyance	27690	5YR	02/01/2005	2005-4/54
R655-4	Water Well Drillers	27392	AMD	01/12/2005	2004-18/30
R655-4	Water Well Drillers	27691	5YR	02/01/2005	2005-4/55
R655-4	Water Well Drillers	27475	NSC	02/01/2005	Not Printed
R655-14	Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights	28032	NEW	08/15/2005	2005-13/34
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	27550	AMD	01/15/2005	2004-24/38
R657-5	Taking Big Game	27865	AMD	07/05/2005	2005-11/61
R657-6	Taking Upland Game	28082	5YR	07/08/2005	2005-15/49
R657-6	Taking Upland Game	28081	AMD	09/06/2005	2005-15/7
R657-11	Taking Furbearers	28168	5YR	08/24/2005	2005-18/74
R657-12	Hunting and Fishing Accommodations for Disabled People	27721	AMD	04/15/2005	2005-6/24
R657-13	Taking Fish and Crayfish	27432	CPR	01/03/2005	2004-22/66
R657-13	Taking Fish and Crayfish	27432	AMD	01/03/2005	2004-20/33
R657-15	Closure of Gunnison, Cub and Hat Islands	27863	5YR	05/05/2005	2005-11/99
R657-15	Closure of Gunnison, Cub and Hat Islands	27862	AMD	07/05/2005	2005-11/63

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R657-21	Cooperative Wildlife Management Units for Small Game and Waterfowl	27864	5YR	05/05/2005	2005-11/99
R657-21-2	Definitions	28088	AMD	09/06/2005	2005-15/14
R657-33	Taking Bear	27649	AMD	03/04/2005	2005-3/36
R657-33-2	Definitions	27751	NSC	04/01/2005	Not Printed
R657-37	Cooperative Wildlife Management Units for Big Game	27551	AMD	01/15/2005	2004-24/45
R657-37	Cooperative Wildlife Management Units for Big Game	28087	AMD	09/06/2005	2005-15/15
R657-38	Dedicated Hunter Program	27552	AMD	01/15/2005	2004-24/48
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	28083	AMD	09/06/2005	2005-15/20
R657-42-4	Surrenders	27553	AMD	01/15/2005	2004-24/53
R657-47	Trust Fund Permits	27639	REP	03/04/2005	2005-3/39
R657-47	Trust Fund Permits (5YR EXTENSION)	27637	NSC	03/04/2005	Not Printed
R657-55	Wildlife Convention Permits	27827	NEW	06/01/2005	2005-9/38

Professional Practices Advisory Commission

Administration

R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	27542	NSC	01/01/2005	Not Printed
R686-103	Professional Practices and Conduct for Utah Educators	27737	NSC	04/01/2005	Not Printed

Public Safety

Driver License

R708-32	Uninsured Motorist Database	27877	5YR	05/10/2005	2005-11/100
R708-36	Disclosure of Personal Identifying Information in MVRs	27878	5YR	05/11/2005	2005-11/100
R708-37	Certification of Licensed Instructors of Commercial Driver Training Schools or Testing Only Schools to Administer Driving Skills Tests	27898	5YR	05/13/2005	2005-11/101
R708-40	Driving Simulators	27579	CPR	04/18/2005	2005-6/28
R708-40	Driving Simulators	27579	NEW	04/18/2005	2005-1/31
R708-41	Requirements for Acceptable Documentation	27808	EMR	04/11/2005	2005-9/74
R708-41	Requirements for Acceptable Documentation	27809	NEW	06/01/2005	2005-9/41

Fire Marshal

R710-3-3	Amendments and Additions	27654	AMD	03/04/2005	2005-3/42
R710-4-3	Amendments and Additions	27653	AMD	03/04/2005	2005-3/44
R710-4-3	Amendments and Additions	27976	AMD	07/19/2005	2005-12/67
R710-6	Liquefied Petroleum Gas Rules	27573	AMD	01/19/2005	2004-24/54
R710-7-1	Adoption of Codes	27671	AMD	06/13/2005	2005-4/21
R710-8	Day Care Rules	27574	NSC	01/01/2005	Not Printed
R710-9-6	Amendments and Additions	27655	AMD	03/04/2005	2005-3/47
R710-9-6	Amendments and Additions	27754	AMD	05/04/2005	2005-7/68
R710-9-6	Amendments and Additions	27975	AMD	07/19/2005	2005-12/69

Highway Patrol

R714-500	Chemical Analysis Standards and Training	27882	5YR	05/12/2005	2005-11/102
----------	--	-------	-----	------------	-------------

Criminal Investigations and Technical Services, Criminal Identification

R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	28052	5YR	06/29/2005	2005-14/100
R722-330	Licensing of Private Investigators	28053	5YR	06/29/2005	2005-14/100

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Peace Officer Standards and Training</u>					
R728-205	Council Resolution of Public Safety Retirement Eligibility	28043	5YR	06/27/2005	2005-14/101
Public Service Commission					
<u>Administration</u>					
R746-200-6	Termination of Service	27587	AMD	02/25/2005	2005-1/32
R746-240	Telecommunication Service Rules	27855	AMD	08/08/2005	2005-10/29
R746-340	Service Quality for Telecommunications Corporations	27856	AMD	08/08/2005	2005-10/32
R746-341	Lifeline Rule	27821	AMD	06/20/2005	2005-9/42
R746-349	Competitive Entry and Reporting Requirements	27857	AMD	08/08/2005	2005-10/34
R746-352	Price Cap Regulation	27858	REP	08/08/2005	2005-10/36
R746-356	Intrastate (IntraLATA) Equal Access to Toll Calling Services By Telecommunications Carriers	27859	AMD	08/08/2005	2005-10/40
R746-360	Universal Public Telecommunications Service Support Fund	27860	AMD	08/08/2005	2005-10/42
R746-360-9	One-Time Distributions from the Fund	27302	CPR	01/04/2005	2004-23/54
R746-360-9	One-Time Distributions from the Fund	27302	AMD	01/04/2005	2004-15/59
R746-405-1	General Provisions	27861	AMD	08/08/2005	2005-10/44
R746-409-1	General Provisions	27527	NSC	01/01/2005	Not Printed
R746-510	Funding for Speech and Hearing Impaired Certified Interpreter Training	28057	NEW	08/25/2005	2005-14/58
Regents (Board Of)					
<u>Administration</u>					
R765-604	New Century Scholarship	27663	5YR	01/19/2005	2005-4/56
R765-604	New Century Scholarship	27666	AMD	03/22/2005	2005-4/22
R765-605-4	Policy	28084	AMD	09/01/2005	2005-15/21
R765-626	Lender-of-Last-Resort Program	27841	5YR	04/26/2005	2005-10/53
R765-685	Utah Educational Savings Plan Trust	28062	REP	08/17/2005	2005-14/60
School and Institutional Trust Lands					
<u>Administration</u>					
R850-2	State Land Management Objectives	27812	NSC	05/01/2005	Not Printed
R850-20	Mineral Resources	27611	REP	04/01/2005	2005-2/50
R850-21	Oil, Gas and Hydrocarbon Resources	27612	NEW	04/01/2005	2005-2/58
R850-21	Oil, Gas and Hydrocarbon Resources	27813	AMD	06/01/2005	2005-9/46
R850-22	Bituminous-Asphaltic Sands and Oil Shale Resources	27613	NEW	04/01/2005	2005-2/65
R850-23	Sand, Gravel and Cinders Permits	27609	NEW	04/01/2005	2005-2/72
R850-24	General Provisions: Mineral and Material Resources, Mineral Leases and Material Permits	27607	NEW	04/01/2005	2005-2/76
R850-24-200	Insurance Requirements	27814	AMD	06/01/2005	2005-9/49
R850-25	Mineral Leases and Materials Permits	27606	NEW	04/01/2005	2005-2/81
R850-26	Coal Leases	27604	NEW	04/01/2005	2005-2/84
R850-27	Geothermal Steam	27601	NEW	04/01/2005	2005-2/86
R850-50	Range Management	27811	AMD	06/01/2005	2005-9/49
R850-130	Materials Permits	27602	REP	04/01/2005	2005-2/89

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Tax Commission					
<u>Auditing</u>					
R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	27929	AMD	07/20/2005	2005-12/71
R865-9I-21	Return By Partnership Pursuant to Utah Code Ann. Section 59-10-507	27804	AMD	06/08/2005	2005-9/51
R865-9I-51	Withholding Tax License Pursuant to Utah Code Ann. Section 59-10-405.5	27930	AMD	07/20/2005	2005-12/72
R865-16R	Severance Tax	27739	5YR	03/08/2005	2005-7/77
R865-19S-6	Tax Collection Pursuant to Utah Code Ann. Section 59-12-107	27868	AMD	07/20/2005	2005-11/64
R865-19S-8	Bonds and Securities Pursuant to Utah Code Ann. Section 59-12-107	27931	AMD	07/20/2005	2005-12/73
R865-19S-20	Basis for Reporting Tax Pursuant to Utah Code Ann. Section 59-12-107	27819	AMD	07/01/2005	2005-9/52
R865-19S-32	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-103	27820	AMD	07/01/2005	2005-9/54
R865-19S-51	Fabrication and Installation Labor in Connection With Retail Sales of Tangible Personal Property Pursuant to Utah Code Ann. Section 59-12-103	27822	AMD	07/01/2005	2005-9/55
R865-19S-52	Federal, State and Local Taxes Pursuant to Utah Code Ann. Section 59-12-102	27825	AMD	07/01/2005	2005-9/56
R865-19S-60	Sales of Machinery, Fixtures and Supplies to Manufacturers, Businessmen and Others Pursuant to Utah Code Ann. Section 59-12-103	27826	AMD	07/01/2005	2005-9/56
R865-19S-68	Premiums, Gifts, Rebates, and Coupons Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103	27828	AMD	07/01/2005	2005-9/57
R865-19S-71	Transportation Charges in Connection With the Sale of Tangible Personal Property Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	27831	AMD	07/01/2005	2005-9/58
R865-19S-78	Charges for Labor to Repair, Renovate and Install Tangible Personal Property Pursuant to Utah Code Ann. Section 59-12-103	27870	AMD	07/20/2005	2005-11/65
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	27832	AMD	07/01/2005	2005-9/59
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	27833	AMD	07/01/2005	2005-9/61
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	28049	AMD	09/01/2005	2005-14/65
R865-19S-98	Sales to Nonresidents of Vehicles, Off-highway Vehicles, and Boats Required to be Registered, and Sales to Nonresidents of Boat Trailers and Outboard Motors Pursuant to Utah Code Ann. 59-12-104	28050	AMD	09/01/2005	2005-14/66
R865-19S-101	Application of Sales Tax to Fees Assessed in Conjunction with the Retail Sale of a Motor Vehicle Pursuant to Utah Code Ann. Section 59-12-103	27834	AMD	07/01/2005	2005-9/62
R865-19S-112	Confirmation of Purchase of Admission or User Fee Relating to the Olympic Winter Games of 2002 Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	27867	AMD	07/20/2005	2005-11/67
<u>Motor Vehicle</u>					
R873-22M-27	Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-408, 41-1a-409 and 41-1a-414	27803	AMD	06/08/2005	2005-9/63
R873-22M-27	Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-418, 41-1a-419, 41-1a-420, and 41-1a-421	28046	AMD	09/01/2005	2005-14/68

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Transportation					
<u>Motor Carrier, Ports of Entry</u>					
R912-3	Overweight and/or Oversize Permitted Vehicle Restrictions on Certain Highways Throughout the State of Utah	27953	REP	07/18/2005	2005-12/74
R912-6	Ports-of-Entry By-Pass Permit Provisions	27790	NEW	06/27/2005	2005-8/39
R912-9	Pilot/Escort Requirements and Certification Program	27970	NEW	07/18/2005	2005-12/74
R912-10	Requirements for Pilot/Escort Qualified Training and Certification Program	27971	NEW	07/18/2005	2005-12/77
R912-11	Overweight and/or Oversize Permitted Vehicle Restrictions on Certain Highways Throughout the State of Utah	27952	NEW	07/18/2005	2005-12/79
R912-14	Changes to Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet in Length	27972	AMD	07/18/2005	2005-12/82
R912-16	Special Mobile Equipment	27954	5YR	06/01/2005	2005-12/89
R912-16	Special Mobile Equipment	28150	5YR	08/15/2005	2005-17/56
<u>Operations, Construction</u>					
R916-4	Construction Manager/General Contractor Contracts	27846	NEW	06/27/2005	2005-10/46
<u>Operations, Traffic and Safety</u>					
R920-5	Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices	27955	AMD	07/18/2005	2005-12/83
R920-50	Ropeway Operation Safety Rules	27876	AMD	07/12/2005	2005-11/69
Workforce Services					
<u>Employment Development</u>					
R986-100	Employment Support Programs	27661	AMD	04/07/2005	2005-4/24
R986-200	Family Employment Program	27957	AMD	08/01/2005	2005-12/84
R986-200	Family Employment Program	28202	EMR	09/02/2005	Not Printed
R986-200-214	Assistance for Specified Relatives	27824	AMD	06/01/2005	2005-9/65
R986-500-501	Authority for Adoption Assistance (AA) and Other Applicable Rules	27491	AMD	01/01/2005	2004-21/31
R986-600	Workforce Investment Act	28063	AMD	08/16/2005	2005-14/69
R986-700	Child Care Assistance	27660	AMD	04/07/2005	2005-4/26
R986-700	Child Care Assistance	27830	AMD	07/01/2005	2005-9/67
<u>Workforce Information and Payment Services</u>					
R994-201	Definition of Terms in Employment Security Act	27730	NSC	04/01/2005	Not Printed
R994-204	Included Employment	27789	5YR	04/01/2005	2005-8/59
R994-205	Exempt Employment	27791	5YR	04/01/2005	2005-8/59
R994-206	Agricultural Labor	27796	5YR	04/01/2005	2005-8/60
R994-207	Unemployment	28170	5YR	08/25/2005	2005-18/75
R994-304	Special Provisions Regarding Transfers of Unemployment Experience and Assigning Rates	27823	NEW	06/01/2005	2005-9/69
R994-401	Payment of Benefits	27728	NSC	04/01/2005	Not Printed
R994-403	Claim for Benefits	27729	NSC	04/01/2005	Not Printed

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>abortion</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27582	R414-1B	NSC	02/01/2005	Not Printed
<u>abrasive blasting</u> Environmental Quality, Air Quality	28217	R307-206	5YR	09/07/2005	Not Printed
	27759	R307-206	AMD	07/07/2005	2005-7/15
	27763	R307-306	NEW	09/02/2005	2005-7/22
	27763	R307-306	CPR	09/02/2005	2005-15/38
<u>acceptable documentation</u> Public Safety, Driver License	27809	R708-41	NEW	06/01/2005	2005-9/41
	27808	R708-41	EMR	04/11/2005	2005-9/74
<u>accidents</u> Natural Resources, Parks and Recreation	28092	R651-223	5YR	07/14/2005	2005-15/48
<u>accountants</u> Commerce, Occupational and Professional Licensing	27835	R156-26a	AMD	06/21/2005	2005-10/12
<u>accreditation</u> Education, Administration	27705	R277-410	AMD	04/01/2005	2005-5/8
	27706	R277-411	AMD	04/01/2005	2005-5/10
	27707	R277-412	AMD	04/01/2005	2005-5/13
	27708	R277-413	AMD	04/01/2005	2005-5/16
<u>adjudicative proceedings</u> Commerce, Administration	27636	R151-46b	AMD	02/15/2005	2005-2/32
<u>administrative procedure</u> Agriculture and Food, Administration	28196	R51-1	5YR	09/02/2005	Not Printed
Agriculture and Food, Animal Industry	28200	R58-15	5YR	09/02/2005	Not Printed
Environmental Quality, Air Quality	28221	R307-103	5YR	09/07/2005	Not Printed
<u>administrative procedures</u> Commerce, Administration	27636	R151-46b	AMD	02/15/2005	2005-2/32
Environmental Quality, Drinking Water	27912	R309-100	5YR	05/16/2005	2005-11/90
	27908	R309-115	5YR	05/16/2005	2005-11/92
	27909	R309-150	5YR	05/16/2005	2005-11/92
	27906	R309-300	5YR	05/16/2005	2005-11/96
	27781	R309-405	NSC	05/16/2005	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27916	R309-405	5YR	05/16/2005	2005-11/97
Human Resource Management, Administration	27890	R477-12-3	AMD	07/02/2005	2005-11/47
Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
Natural Resources, Parks and Recreation	28091	R651-101	5YR	07/14/2005	2005-15/48
Natural Resources, Forestry, Fire and State Lands	27750	R652-70-1900	AMD	05/20/2005	2005-7/66
	27740	R652-70-2300	AMD	05/20/2005	2005-7/67
	27843	R652-120	5YR	04/28/2005	2005-10/53
School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
	27813	R850-21	AMD	06/01/2005	2005-9/46
	27612	R850-21	NEW	04/01/2005	2005-2/58
	27613	R850-22	NEW	04/01/2005	2005-2/65
	27606	R850-25	NEW	04/01/2005	2005-2/81
	27604	R850-26	NEW	04/01/2005	2005-2/84
	27601	R850-27	NEW	04/01/2005	2005-2/86
	27811	R850-50	AMD	06/01/2005	2005-9/49
	27602	R850-130	REP	04/01/2005	2005-2/89
<u>administrative responsibility</u>					
Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
<u>adoption assistance</u>					
Workforce Services, Employment Development	27491	R986-500-501	AMD	01/01/2005	2004-21/31
<u>adult education</u>					
Education, Administration	27592	R277-733	AMD	02/01/2005	2005-1/10
<u>advertising</u>					
Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28004	R606-4	5YR	06/08/2005	2005-13/55
<u>aesthetics</u>					
Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
<u>air pollution</u>					
Environmental Quality, Air Quality	27755	R307-101-2	CPR	09/02/2005	2005-15/25
	28029	R307-101-2	AMD	09/08/2005	2005-13/24
	27755	R307-101-2	AMD	09/02/2005	2005-7/2
	27818	R307-101-2	AMD	07/07/2005	2005-9/4
	28221	R307-103	5YR	09/07/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	Not Printed
	28111	R307-110	NSC	08/01/2005	Not Printed
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27343	R307-110-12	CPR	01/04/2005	2004-23/53

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
	28078	R307-115	5YR	07/07/2005	2005-15/45
	28215	R307-165	5YR	09/07/2005	Not Printed
	27756	R307-165	AMD	09/02/2005	2005-7/8
	27756	R307-165	CPR	09/02/2005	2005-15/31
	28214	R307-201	5YR	09/07/2005	Not Printed
	27757	R307-201	AMD	09/02/2005	2005-7/9
	27757	R307-201	CPR	09/02/2005	2005-15/32
	28223	R307-205	5YR	09/07/2005	Not Printed
	27764	R307-205	AMD	07/07/2005	2005-7/12
	28217	R307-206	5YR	09/07/2005	Not Printed
	27759	R307-206	AMD	07/07/2005	2005-7/15
	27665	R307-210	AMD	04/19/2005	2005-4/17
	27761	R307-302	CPR	09/02/2005	2005-15/34
	27761	R307-302	AMD	09/02/2005	2005-7/17
	28216	R307-305	5YR	09/07/2005	Not Printed
	27762	R307-305	AMD	09/02/2005	2005-7/19
	27762	R307-305	CPR	09/02/2005	2005-15/36
	27763	R307-306	CPR	09/02/2005	2005-15/38
	27763	R307-306	NEW	09/02/2005	2005-7/22
	28218	R307-307	5YR	09/07/2005	Not Printed
	27765	R307-309	CPR	09/02/2005	2005-15/39
	28220	R307-309	5YR	09/07/2005	Not Printed
	27765	R307-309	AMD	09/02/2005	2005-7/24
	28222	R307-310	5YR	09/07/2005	Not Printed
	28080	R307-310-5	NSC	09/01/2005	Not Printed
	27766	R307-310-5	AMD	07/07/2005	2005-7/27
	27701	R307-320	NSC	07/07/2005	Not Printed
	28079	R307-320	5YR	07/07/2005	2005-15/46
	27767	R307-421	NEW	07/07/2005	2005-7/28
<u>air quality</u>					
Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
<u>air travel</u>					
Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
<u>aircraft</u>					
Tax Commission, Motor Vehicle	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
<u>alarm company</u>					
Commerce, Occupational and Professional Licensing	28048	R156-55d	5YR	06/28/2005	2005-14/97
<u>alcohol</u>					
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	27947	R81-1-6	AMD	08/01/2005	2005-12/4
	27948	R81-1-7	AMD	08/01/2005	2005-12/5
	27949	R81-1-24	AMD	08/01/2005	2005-12/7
	27847	R81-4D-14	AMD	08/26/2005	2005-10/11
	27847	R81-4D-14	CPR	08/26/2005	2005-14/74
	27725	R81-5-5	AMD	05/01/2005	2005-6/3
	27726	R81-5-14	AMD	05/01/2005	2005-6/4
	27869	R81-5-15	NSC	06/01/2005	Not Printed
	27727	R81-5-17	AMD	05/01/2005	2005-6/5
<u>alimony</u>					
Human Services, Recovery Services	28090	R527-450	5YR	07/14/2005	2005-15/47
<u>alternative onsite wastewater systems</u>					
Environmental Quality, Water Quality	27699	R317-4	5YR	02/10/2005	2005-5/30
<u>annuity insurance filings</u>					
Insurance, Administration	27717	R590-227-3	AMD	04/28/2005	2005-6/22
<u>annuity replacement</u>					
Insurance, Administration	27829	R590-93	R&R	06/08/2005	2005-9/12
<u>aquaculture</u>					
Agriculture and Food, Animal Industry	27696	R58-17	5YR	02/03/2005	2005-5/28
<u>architects</u>					
Administrative Services, Facilities Construction and Management	27605	R23-2	AMD	03/15/2005	2005-2/7
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33
<u>architecture</u>					
Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
<u>art</u>					
Capitol Preservation Board (State), Administration	27632	R131-9	NEW	03/03/2005	2005-2/26
<u>arts</u>					
Education, Administration	27932	R277-444	AMD	07/18/2005	2005-12/24
<u>assignment</u>					
Education, Administration	28077	R277-520	5YR	07/06/2005	2005-15/45
<u>assistance</u>					
Human Services, Recovery Services	28089	R527-332	5YR	07/14/2005	2005-15/47
<u>assisted living facilities</u>					
Public Safety, Fire Marshal	27654	R710-3-3	AMD	03/04/2005	2005-3/42
<u>autism spectrum</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	27941	R398-10	AMD	08/30/2005	2005-12/61

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>backflow assembly tester</u>					
Environmental Quality, Drinking Water	27617	R309-305	NSC	02/01/2005	Not Printed
	27780	R309-305	NSC	05/16/2005	Not Printed
	27915	R309-305	5YR	05/16/2005	2005-11/96
<u>bail bond enforcement agent</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28052	R722-310	5YR	06/29/2005	2005-14/100
<u>bail bond recovery agent</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28052	R722-310	5YR	06/29/2005	2005-14/100
<u>banking law</u>					
Money Management Council, Administration	27689	R628-11	AMD	03/22/2005	2005-4/18
<u>bear</u>					
Natural Resources, Wildlife Resources	27649	R657-33	AMD	03/04/2005	2005-3/36
	27751	R657-33-2	NSC	04/01/2005	Not Printed
<u>beekeeping</u>					
Agriculture and Food, Plant Industry	28207	R68-1	5YR	09/06/2005	Not Printed
<u>behavior</u>					
Human Services, Services for People with Disabilities	27724	R539-4	NEW	05/03/2005	2005-6/16
<u>benefits</u>					
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
Workforce Services, Workforce Information and Payment Services	27728	R994-401	NSC	04/01/2005	Not Printed
<u>big game seasons</u>					
Natural Resources, Wildlife Resources	27865	R657-5	AMD	07/05/2005	2005-11/61
	27550	R657-5	AMD	01/15/2005	2004-24/38
<u>birds</u>					
Natural Resources, Wildlife Resources	28081	R657-6	AMD	09/06/2005	2005-15/7
	28082	R657-6	5YR	07/08/2005	2005-15/49
	27863	R657-15	5YR	05/05/2005	2005-11/99
	27862	R657-15	AMD	07/05/2005	2005-11/63
<u>bituminous-asphaltic sands</u>					
School and Institutional Trust Lands, Administration	27613	R850-22	NEW	04/01/2005	2005-2/65
<u>board members</u>					
Commerce, Administration	27633	R151-1	NEW	02/15/2005	2005-2/29
<u>boating</u>					
Natural Resources, Parks and Recreation	27560	R651-202	AMD	01/15/2005	2004-24/28
	27559	R651-205-7	AMD	01/15/2005	2004-24/29
	28056	R651-205-9	AMD	08/16/2005	2005-14/57
	27664	R651-206	NSC	02/01/2005	Not Printed
	27561	R651-206	AMD	01/15/2005	2004-24/29

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27562	R651-209	REP	01/15/2005	2004-24/32
	27563	R651-211	AMD	01/15/2005	2004-24/33
	27564	R651-212	AMD	01/15/2005	2004-24/34
	27565	R651-215	AMD	01/15/2005	2004-24/35
	28092	R651-223	5YR	07/14/2005	2005-15/48
<u>boilers</u>					
Labor Commission, Safety	27616	R616-2-3	AMD	03/07/2005	2005-2/49
<u>bonding requirements</u>					
Human Services, Recovery Services	27881	R527-394	5YR	05/12/2005	2005-11/98
<u>brachytherapy</u>					
Environmental Quality, Radiation Control	27748	R313-32	AMD	05/13/2005	2005-7/38
<u>breaks</u>					
Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
<u>breath testing</u>					
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102
<u>broad scope</u>					
Environmental Quality, Radiation Control	27747	R313-22	AMD	05/13/2005	2005-7/36
<u>budgeting</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27923	R414-304	AMD	07/02/2005	2005-11/18
<u>building codes</u>					
Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
<u>building inspection</u>					
Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
<u>burglar alarms</u>					
Commerce, Occupational and Professional Licensing	28048	R156-55d	5YR	06/28/2005	2005-14/97
<u>burns</u>					
Natural Resources, Forestry, Fire and State Lands	27843	R652-120	5YR	04/28/2005	2005-10/53
<u>capitol-preservation</u>					
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33
<u>care receiver</u>					
Human Services, Aging and Adult Services	28039	R510-401	5YR	06/22/2005	2005-14/98
<u>caregiver</u>					
Human Services, Aging and Adult Services	28039	R510-401	5YR	06/22/2005	2005-14/98
<u>cash management</u>					
Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>certification</u>					
Labor Commission, Safety	27616	R616-2-3	AMD	03/07/2005	2005-2/49
	27590	R616-3-3	AMD	02/01/2005	2005-1/30
<u>charities</u>					
Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
	27819	R865-19S-20	AMD	07/01/2005	2005-9/52
	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
<u>charities tax exemptions</u>					
Tax Commission, Auditing	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
<u>chemical testing</u>					
Agriculture and Food, Chemistry Laboratory	28203	R63-1	5YR	09/02/2005	Not Printed
<u>child care</u>					
Workforce Services, Employment Development	27830	R986-700	AMD	07/01/2005	2005-9/67
	27660	R986-700	AMD	04/07/2005	2005-4/26
<u>child support</u>					
Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/58
	27648	R527-40	AMD	03/14/2005	2005-3/30
	27642	R527-40	5YR	01/06/2005	2005-3/59
	27938	R527-67	REP	08/10/2005	2005-12/67
	27842	R527-67	NSC	08/10/2005	Not Printed
	27534	R527-210	REP	01/04/2005	2004-23/49
	27647	R527-255	AMD	03/14/2005	2005-3/30
	28089	R527-332	5YR	07/14/2005	2005-15/47
	27881	R527-394	5YR	05/12/2005	2005-11/98
	28090	R527-450	5YR	07/14/2005	2005-15/47
	27641	R527-475	5YR	01/06/2005	2005-3/59
<u>child welfare</u>					
Administrative Services, Child Welfare Parental Defense (Office of)	27518	R19-1	CPR	05/13/2005	2005-2/94
	27518	R19-1	NEW	05/13/2005	2004-22/9

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>cinders</u> School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
<u>client rights</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27902	R414-301	AMD	07/02/2005	2005-11/16
<u>coal</u> School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
	27604	R850-26	NEW	04/01/2005	2005-2/84
<u>coal mines</u> Natural Resources, Oil, Gas and Mining; Coal	27778	R645-105	5YR	03/25/2005	2005-8/58
<u>coal mining</u> Natural Resources, Oil, Gas and Mining; Coal	27779	R645-400	5YR	03/25/2005	2005-8/58
<u>communicable diseases</u> Health, Epidemiology and Laboratory Services, Epidemiology	27496	R386-702	CPR	05/16/2005	2005-3/53
	27496	R386-702	AMD	05/16/2005	2004-21/13
	27853	R386-702-9	AMD	08/25/2005	2005-10/17
<u>compliance determinations</u> Environmental Quality, Drinking Water	27917	R309-205	5YR	05/16/2005	2005-11/93
	27918	R309-210	5YR	05/16/2005	2005-11/94
	27910	R309-215	5YR	05/16/2005	2005-11/94
<u>conduct</u> Commerce, Real Estate	27788	R162-107	AMD	05/25/2005	2005-8/14
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
<u>confidentiality of information</u> Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
<u>congregate meals</u> Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
<u>consent</u> Health, Epidemiology and Laboratory Services, Epidemiology	27934	R386-800	5YR	05/24/2005	2005-12/89
<u>conservation</u> Natural Resources, Wildlife Resources	27863	R657-15	5YR	05/05/2005	2005-11/99
	27862	R657-15	AMD	07/05/2005	2005-11/63
<u>construction</u> Administrative Services, Facilities Construction and Management Transportation, Operations, Construction	27610	R23-4	AMD	03/15/2005	2005-2/10
	27846	R916-4	NEW	06/27/2005	2005-10/46
<u>construction contracts</u> Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>construction disputes</u> Administrative Services, Facilities Construction and Management	27610	R23-4	AMD	03/15/2005	2005-2/10
<u>consumer confidence report</u> Environmental Quality, Drinking Water	27905	R309-225	5YR	05/16/2005	2005-11/95
<u>consumer hearing panel</u> Human Services, Child and Family Services	27883	R512-75	5YR	05/12/2005	2005-11/98
<u>consumer protection</u> Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
<u>contamination</u> Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
<u>continuing education</u> Commerce, Real Estate	28059	R162-9-2	AMD	08/17/2005	2005-14/7
<u>continuing professional education</u> Commerce, Occupational and Professional Licensing	27835	R156-26a	AMD	06/21/2005	2005-10/12
<u>contractors</u> Commerce, Occupational and Professional Licensing	27987	R156-38	AMD	08/02/2005	2005-13/13
	27752	R156-38	5YR	03/15/2005	2005-7/75
	27942	R156-55a	AMD	07/18/2005	2005-12/13
	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54
<u>contracts</u> Administrative Services, Facilities Construction and Management	27603	R23-1	AMD	03/15/2005	2005-2/2
	27610	R23-4	AMD	03/15/2005	2005-2/10
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
<u>conveyance</u> Natural Resources, Water Rights	27690	R655-3	5YR	02/01/2005	2005-4/54
<u>cooperative wildlife management unit</u> Natural Resources, Wildlife Resources	27551	R657-37	AMD	01/15/2005	2004-24/45
	28087	R657-37	AMD	09/06/2005	2005-15/15
<u>corrections</u> Corrections, Administration	28085	R251-303	5YR	07/13/2005	2005-15/43
<u>cost sharing</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27588	R414-200	AMD	02/01/2005	2005-1/24
<u>counselors</u> Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>county jails</u>					
Corrections, Administration	28086	R251-113	5YR	07/13/2005	2005-15/43
<u>CPB</u>					
Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
	27632	R131-9	NEW	03/03/2005	2005-2/26
<u>credit insurance filings</u>					
Insurance, Administration	27718	R590-228-3	AMD	04/28/2005	2005-6/23
<u>cross connection control</u>					
Environmental Quality, Drinking Water	27915	R309-305	5YR	05/16/2005	2005-11/96
	27780	R309-305	NSC	05/16/2005	Not Printed
	27617	R309-305	NSC	02/01/2005	Not Printed
<u>curricula</u>					
Education, Administration	27932	R277-444	AMD	07/18/2005	2005-12/24
	28142	R277-475	5YR	08/15/2005	2005-17/55
	27874	R277-700-6	NSC	07/01/2005	Not Printed
	27710	R277-705-6	AMD	04/01/2005	2005-5/19
	27662	R277-713	AMD	03/21/2005	2005-4/14
	27875	R277-713	NSC	07/01/2005	Not Printed
<u>day care</u>					
Public Safety, Fire Marshal	27574	R710-8	NSC	01/01/2005	Not Printed
<u>decommissioning</u>					
Environmental Quality, Radiation Control	27747	R313-22	AMD	05/13/2005	2005-7/36
<u>decontamination</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	27650	R392-600	NEW	05/02/2005	2005-3/19
<u>definitions</u>					
Administrative Services, Fleet Operations	27546	R27-1-2	AMD	01/10/2005	2004-23/3
Environmental Quality, Air Quality	27755	R307-101-2	CPR	09/02/2005	2005-15/25
	27818	R307-101-2	AMD	07/07/2005	2005-9/4
	27755	R307-101-2	AMD	09/02/2005	2005-7/2
	28029	R307-101-2	AMD	09/08/2005	2005-13/24
Environmental Quality, Drinking Water	27911	R309-110	5YR	05/16/2005	2005-11/91
Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
Workforce Services, Workforce Information and Payment Services	27730	R994-201	NSC	04/01/2005	Not Printed
<u>design</u>					
Administrative Services, Facilities Construction and Management	27615	R23-3	AMD	03/15/2005	2005-2/9
<u>disabilities</u>					
Human Services, Services for People with Disabilities	27801	R539-5	NEW	05/17/2005	2005-8/33
	27939	R539-5-5	NSC	06/01/2005	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>disability</u> Human Services, Services for People with Disabilities	27568	R539-1	AMD	01/25/2005	2004-24/17
<u>disabled persons</u> Human Services, Services for People with Disabilities	27651	R539-2	REP	03/12/2005	2005-3/31
	27652	R539-3	REP	03/12/2005	2005-3/34
	27753	R539-4	REP	05/03/2005	2005-7/58
	27802	R539-5	REP	05/17/2005	2005-8/31
	28037	R539-7	EMR	06/20/2005	2005-14/94
	27795	R539-8	REP	05/17/2005	2005-8/35
Natural Resources, Wildlife Resources	27721	R657-12	AMD	04/15/2005	2005-6/24
<u>disasters</u> Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
<u>discharge permits</u> Environmental Quality, Water Quality	27657	R317-8-3	AMD	04/20/2005	2005-3/12
<u>disciplinary actions</u> Professional Practices Advisory Commission, Administration	27737	R686-103	NSC	04/01/2005	Not Printed
<u>discipline of employees</u> Human Resource Management, Administration	27888	R477-11-2	AMD	07/02/2005	2005-11/46
<u>discrimination</u> Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54
	28004	R606-4	5YR	06/08/2005	2005-13/55
	28005	R606-5	5YR	06/08/2005	2005-13/55
	28002	R606-6	5YR	06/08/2005	2005-13/56
Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
<u>disease control</u> Agriculture and Food, Animal Industry	27570	R58-1	AMD	01/18/2005	2004-24/5
	27687	R58-1-7	AMD	03/18/2005	2005-4/8
	27694	R58-21	5YR	02/03/2005	2005-5/29
<u>disinfection monitoring</u> Environmental Quality, Drinking Water	27910	R309-215	5YR	05/16/2005	2005-11/94
<u>dismissal of employees</u> Human Resource Management, Administration	27888	R477-11-2	AMD	07/02/2005	2005-11/46
<u>dispute</u> Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
<u>distribution system monitoring</u> Environmental Quality, Drinking Water	27918	R309-210	5YR	05/16/2005	2005-11/94
<u>diversion programs</u> Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>drinking water</u>					
Environmental Quality, Drinking Water	27912	R309-100	5YR	05/16/2005	2005-11/90
	27907	R309-105	5YR	05/16/2005	2005-11/91
	27911	R309-110	5YR	05/16/2005	2005-11/91
	27908	R309-115	5YR	05/16/2005	2005-11/92
	27909	R309-150	5YR	05/16/2005	2005-11/92
	27913	R309-200	5YR	05/16/2005	2005-11/93
	27917	R309-205	5YR	05/16/2005	2005-11/93
	27918	R309-210	5YR	05/16/2005	2005-11/94
	27910	R309-215	5YR	05/16/2005	2005-11/94
	27914	R309-220	5YR	05/16/2005	2005-11/95
	27905	R309-225	5YR	05/16/2005	2005-11/95
	27906	R309-300	5YR	05/16/2005	2005-11/96
	27915	R309-305	5YR	05/16/2005	2005-11/96
	27617	R309-305	NSC	02/01/2005	Not Printed
	27780	R309-305	NSC	05/16/2005	Not Printed
	27916	R309-405	5YR	05/16/2005	2005-11/97
	27781	R309-405	NSC	05/16/2005	Not Printed
	27816	R309-600	5YR	04/14/2005	2005-9/76
	27775	R309-600	NSC	05/01/2005	Not Printed
	27815	R309-605	5YR	04/14/2005	2005-9/76
<u>driver education</u>					
Education, Administration	27520	R277-746	NSC	01/01/2005	Not Printed
<u>driver license</u>					
Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100
<u>driver training</u>					
Public Safety, Driver License	27898	R708-37	5YR	05/13/2005	2005-11/101
<u>driving simulators</u>					
Public Safety, Driver License	27579	R708-40	NEW	04/18/2005	2005-1/31
	27579	R708-40	CPR	04/18/2005	2005-6/28
<u>dual employment</u>					
Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
<u>dual enrollment</u>					
Education, Administration	27800	R277-438	AMD	05/19/2005	2005-8/19
<u>dust</u>					
Environmental Quality, Air Quality	27765	R307-309	AMD	09/02/2005	2005-7/24
	27765	R307-309	CPR	09/02/2005	2005-15/39
	28220	R307-309	5YR	09/07/2005	Not Printed
<u>e-mail</u>					
Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
<u>education</u>					
Commerce, Real Estate	27950	R162-103-5	AMD	07/27/2005	2005-12/17

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Education, Administration	27798	R277-407	AMD	05/19/2005	2005-8/15
	28064	R277-407	AMD	08/23/2005	2005-14/8
	27702	R277-422	NSC	03/01/2005	Not Printed
	28142	R277-475	5YR	08/15/2005	2005-17/55
	27933	R277-480	REP	07/18/2005	2005-12/27
<u>education finance</u>					
Education, Administration	27798	R277-407	AMD	05/19/2005	2005-8/15
	28064	R277-407	AMD	08/23/2005	2005-14/8
	28065	R277-451	AMD	08/23/2005	2005-14/10
<u>educational facilities</u>					
Education, Administration	28065	R277-451	AMD	08/23/2005	2005-14/10
<u>educational program evaluations</u>					
Education, Administration	27722	R277-501	5YR	02/23/2005	2005-6/35
<u>educational savings trust</u>					
Regents (Board Of), Administration	28062	R765-685	REP	08/17/2005	2005-14/60
<u>educational testing</u>					
Education, Administration	27872	R277-473	5YR	05/09/2005	2005-11/90
	27547	R277-473	AMD	01/04/2005	2004-23/43
<u>educational tuition</u>					
Education, Administration	27798	R277-407	AMD	05/19/2005	2005-8/15
	27887	R477-10	AMD	07/02/2005	2005-11/43
<u>educational tuitions</u>					
Education, Administration	28064	R277-407	AMD	08/23/2005	2005-14/8
<u>educator</u>					
Education, Administration	28077	R277-520	5YR	07/06/2005	2005-15/45
<u>educator license renewal</u>					
Education, Administration	27722	R277-501	5YR	02/23/2005	2005-6/35
<u>educators</u>					
Professional Practices Advisory Commission, Administration	27737	R686-103	NSC	04/01/2005	Not Printed
<u>effluent standards</u>					
Environmental Quality, Water Quality	28054	R317-1	AMD	08/22/2005	2005-14/13
	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
<u>elderly</u>					
Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
	28039	R510-401	5YR	06/22/2005	2005-14/98
<u>electronic high school</u>					
Education, Administration	27507	R277-725	NSC	01/01/2005	Not Printed
<u>electronic preliminary lien filing</u>					
Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>elevators</u> Labor Commission, Safety	27590	R616-3-3	AMD	02/01/2005	2005-1/30
<u>eligibility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27901	R414-309	NEW	07/02/2005	2005-11/25
<u>emergency medical services</u> Health, Health Systems Improvement, Emergency Medical Services	27519	R426-12	AMD	02/01/2005	2004-22/26
	27521	R426-13	AMD	02/01/2005	2004-23/47
	27584	R426-14-303	NSC	02/01/2005	Not Printed
	27522	R426-15	AMD	02/01/2005	2004-23/48
<u>emergency preparedness</u> Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
<u>emission testing</u> Environmental Quality, Air Quality	27756	R307-165	CPR	09/02/2005	2005-15/31
	27756	R307-165	AMD	09/02/2005	2005-7/8
	28215	R307-165	5YR	09/07/2005	Not Printed
<u>employee benefit plans</u> Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
<u>employee performance evaluations</u> Human Resource Management, Administration	27887	R477-10	AMD	07/02/2005	2005-11/43
<u>employee productivity</u> Human Resource Management, Administration	27887	R477-10	AMD	07/02/2005	2005-11/43
<u>employees' rights</u> Human Resource Management, Administration	27890	R477-12-3	AMD	07/02/2005	2005-11/47
<u>employment</u> Human Resource Management, Administration	27886	R477-4-7	AMD	07/02/2005	2005-11/31
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28004	R606-4	5YR	06/08/2005	2005-13/55
	28005	R606-5	5YR	06/08/2005	2005-13/55
<u>employment agencies</u> Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28005	R606-5	5YR	06/08/2005	2005-13/55
<u>employment support procedures</u> Workforce Services, Employment Development	27661	R986-100	AMD	04/07/2005	2005-4/24
<u>employment tests</u> Workforce Services, Workforce Information and Payment Services	27789	R994-204	5YR	04/01/2005	2005-8/59
	27791	R994-205	5YR	04/01/2005	2005-8/59
	27796	R994-206	5YR	04/01/2005	2005-8/60

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>endangered species</u>					
Natural Resources, Forestry, Fire and State Lands	27843	R652-120	5YR	04/28/2005	2005-10/53
<u>energy assistance</u>					
Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
	27420	R202-207-702	AMD	01/12/2005	2004-19/27
<u>enforcement</u>					
Agriculture and Food, Animal Industry	28200	R58-15	5YR	09/02/2005	Not Printed
Natural Resources, Water Rights	28032	R655-14	NEW	08/15/2005	2005-13/34
<u>engineers</u>					
Administrative Services, Facilities Construction and Management	27605	R23-2	AMD	03/15/2005	2005-2/7
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33
Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
<u>enrollment options</u>					
Education, Administration	27799	R277-437	AMD	05/19/2005	2005-8/17
<u>enterprise</u>					
Tax Commission, Auditing	27804	R865-91-21	AMD	06/08/2005	2005-9/51
<u>enterprise zones</u>					
Tax Commission, Auditing	27930	R865-91-51	AMD	07/20/2005	2005-12/72
<u>environmental health</u>					
Environmental Quality, Drinking Water	27816	R309-600	5YR	04/14/2005	2005-9/76
	27775	R309-600	NSC	05/01/2005	Not Printed
	27815	R309-605	5YR	04/14/2005	2005-9/76
<u>environmental protection</u>					
Environmental Quality, Air Quality	28078	R307-115	5YR	07/07/2005	2005-15/45
Environmental Quality, Drinking Water	27912	R309-100	5YR	05/16/2005	2005-11/90
	27909	R309-150	5YR	05/16/2005	2005-11/92
	27906	R309-300	5YR	05/16/2005	2005-11/96
	27781	R309-405	NSC	05/16/2005	Not Printed
	27916	R309-405	5YR	05/16/2005	2005-11/97
<u>equal access</u>					
Public Service Commission, Administration	27859	R746-356	AMD	08/08/2005	2005-10/40
<u>essential facilities</u>					
Public Service Commission, Administration	27857	R746-349	AMD	08/08/2005	2005-10/34
<u>exemptions</u>					
Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
	27745	R313-19	AMD	05/13/2005	2005-7/34

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>eyeglasses</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27849	R414-53	AMD	07/01/2005	2005-10/22
<u>facilities use</u>					
Capitol Preservation Board (State), Administration	27712	R131-2	5YR	02/16/2005	2005-6/33
<u>fair employment practices</u>					
Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
	27886	R477-4-7	AMD	07/02/2005	2005-11/31
<u>fair housing</u>					
Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
<u>family employment program</u>					
Workforce Services, Employment Development	27957	R986-200	AMD	08/01/2005	2005-12/84
	28202	R986-200	EMR	09/02/2005	Not Printed
	27824	R986-200-214	AMD	06/01/2005	2005-9/65
<u>feed contamination</u>					
Agriculture and Food, Plant Industry	28208	R68-2	5YR	09/06/2005	Not Printed
<u>fees</u>					
Labor Commission, Industrial Accidents	27894	R612-2-1	AMD	07/02/2005	2005-11/51
	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
	27899	R612-2-5	AMD	07/02/2005	2005-11/54
	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
<u>fertilizers</u>					
Agriculture and Food, Plant Industry	27645	R68-3	5YR	01/07/2005	2005-3/58
<u>filing deadlines</u>					
Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
<u>finance</u>					
Education, Administration	27702	R277-422	NSC	03/01/2005	Not Printed
<u>financial aid</u>					
Regents (Board Of), Administration	28084	R765-605-4	AMD	09/01/2005	2005-15/21
<u>financial disclosures</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27923	R414-304	AMD	07/02/2005	2005-11/18
<u>financial information</u>					
Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/58
<u>financial institutions</u>					
Money Management Council, Administration	27689	R628-11	AMD	03/22/2005	2005-4/18

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>fines</u> Natural Resources, Water Rights	28032	R655-14	NEW	08/15/2005	2005-13/34
<u>fire</u> Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
<u>fire prevention</u> Public Safety, Fire Marshal	27653	R710-4-3	AMD	03/04/2005	2005-3/44
	27976	R710-4-3	AMD	07/19/2005	2005-12/67
	27671	R710-7-1	AMD	06/13/2005	2005-4/21
	27574	R710-8	NSC	01/01/2005	Not Printed
	27975	R710-9-6	AMD	07/19/2005	2005-12/69
	27655	R710-9-6	AMD	03/04/2005	2005-3/47
	27754	R710-9-6	AMD	05/04/2005	2005-7/68
<u>fireplace</u> Environmental Quality, Air Quality	27760	R307-207	NEW	09/02/2005	2005-7/16
	27760	R307-207	CPR	09/02/2005	2005-15/33
	28219	R307-302	5YR	09/07/2005	Not Printed
<u>fireplaces</u> Environmental Quality, Air Quality	27761	R307-302	CPR	09/02/2005	2005-15/34
	27761	R307-302	AMD	09/02/2005	2005-7/17
<u>fish</u> Natural Resources, Wildlife Resources	27432	R657-13	AMD	01/03/2005	2004-20/33
	27432	R657-13	CPR	01/03/2005	2004-22/66
<u>fishing</u> Natural Resources, Wildlife Resources	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
<u>fleet expansion</u> Administrative Services, Fleet Operations	27543	R27-4	AMD	01/10/2005	2004-23/5
<u>fleet expansion vehicle replacement</u> Administrative Services, Fleet Operations	27594	R27-4-1	NSC	02/01/2005	Not Printed
<u>food inspection</u> Agriculture and Food, Animal Industry	27693	R58-10	5YR	02/03/2005	2005-5/28
	28197	R58-11	5YR	09/02/2005	Not Printed
	28198	R58-12	5YR	09/02/2005	Not Printed
	28199	R58-13	5YR	09/02/2005	Not Printed
	28201	R58-16	5YR	09/02/2005	Not Printed
Agriculture and Food, Regulatory Services	27514	R70-440	NSC	01/01/2005	Not Printed
	27667	R70-440-2	NSC	03/01/2005	Not Printed
	27628	R70-440-2	AMD	02/15/2005	2005-2/23
	27569	R70-540-14	AMD	03/18/2005	2004-24/7
	28194	R70-610	5YR	09/02/2005	Not Printed
	28195	R70-620	5YR	09/02/2005	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>foster care</u> Human Services, Child and Family Services	27982	R512-306	AMD	08/03/2005	2005-13/31
<u>franchises</u> Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
<u>fuel dispensing</u> Administrative Services, Fleet Operations	27544	R27-6	AMD	01/10/2005	2004-23/7
<u>fugitive emissions</u> Environmental Quality, Air Quality	27764	R307-205	AMD	07/07/2005	2005-7/12
	28223	R307-205	5YR	09/07/2005	Not Printed
<u>furbearers</u> Natural Resources, Wildlife Resources	28168	R657-11	5YR	08/24/2005	2005-18/74
<u>game laws</u> Natural Resources, Wildlife Resources	27865	R657-5	AMD	07/05/2005	2005-11/61
	27550	R657-5	AMD	01/15/2005	2004-24/38
	28081	R657-6	AMD	09/06/2005	2005-15/7
	28082	R657-6	5YR	07/08/2005	2005-15/49
	28168	R657-11	5YR	08/24/2005	2005-18/74
	27649	R657-33	AMD	03/04/2005	2005-3/36
	27751	R657-33-2	NSC	04/01/2005	Not Printed
<u>general conformity</u> Environmental Quality, Air Quality	28078	R307-115	5YR	07/07/2005	2005-15/45
<u>geothermal steam</u> School and Institutional Trust Lands, Administration	27601	R850-27	NEW	04/01/2005	2005-2/86
<u>government documents</u> Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
	27700	R35-1a	NSC	04/01/2005	Not Printed
	27621	R35-1a	NEW	03/08/2005	2005-2/17
	27625	R35-2	AMD	03/04/2005	2005-2/18
	27622	R35-3	AMD	03/04/2005	2005-2/19
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
<u>government hearings</u> Commerce, Administration	27636	R151-46b	AMD	02/15/2005	2005-2/32
	27888	R477-11-2	AMD	07/02/2005	2005-11/46
<u>gravel</u> School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>grievance procedures</u>					
Human Services, Child and Family Services	27981	R512-75	AMD	08/03/2005	2005-13/29
	27883	R512-75	5YR	05/12/2005	2005-11/98
<u>grievances</u>					
Human Resource Management, Administration	27888	R477-11-2	AMD	07/02/2005	2005-11/46
	27890	R477-12-3	AMD	07/02/2005	2005-11/47
<u>halfway houses</u>					
Corrections, Administration	28085	R251-303	5YR	07/13/2005	2005-15/43
<u>hazardous waste</u>					
Environmental Quality, Solid and Hazardous Waste	28095	R315-16	5YR	07/19/2005	2005-16/53
	28094	R315-102	5YR	07/19/2005	2005-16/53
<u>health effects</u>					
Environmental Quality, Drinking Water	27914	R309-220	5YR	05/16/2005	2005-11/95
<u>health facilities</u>					
Health, Health Systems Improvement, Licensing	27674	R432-7	5YR	01/28/2005	2005-4/47
	27675	R432-8	5YR	01/28/2005	2005-4/48
	27676	R432-9	5YR	01/28/2005	2005-4/48
	27677	R432-10	5YR	01/28/2005	2005-4/49
	27678	R432-11	5YR	01/28/2005	2005-4/49
	27679	R432-12	5YR	01/28/2005	2005-4/50
	27680	R432-13	5YR	01/28/2005	2005-4/50
	27681	R432-14	5YR	01/28/2005	2005-4/51
	27682	R432-30	5YR	01/28/2005	2005-4/51
	27884	R432-150	AMD	08/05/2005	2005-11/26
	27683	R432-270	5YR	01/31/2005	2005-4/52
	27692	R432-270-10	AMD	05/10/2005	2005-5/24
<u>health insurance</u>					
Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/58
Insurance, Administration	27866	R590-172	5YR	05/05/2005	2005-11/98
	28028	R590-199	5YR	06/15/2005	2005-13/54
<u>hearing impaired</u>					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
<u>hearings</u>					
Environmental Quality, Air Quality	28221	R307-103	5YR	09/07/2005	Not Printed
Environmental Quality, Drinking Water	27908	R309-115	5YR	05/16/2005	2005-11/92
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
<u>HEAT</u>					
Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>higher education</u>					
Education, Administration	27662	R277-713	AMD	03/21/2005	2005-4/14
	27875	R277-713	NSC	07/01/2005	Not Printed
	27663	R765-604	5YR	01/19/2005	2005-4/56
	27666	R765-604	AMD	03/22/2005	2005-4/22
	28084	R765-605-4	AMD	09/01/2005	2005-15/21
	27841	R765-626	5YR	04/26/2005	2005-10/53
	28062	R765-685	REP	08/17/2005	2005-14/60
<u>highways</u>					
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
<u>hiring practices</u>					
Human Resource Management, Administration	27886	R477-4-7	AMD	07/02/2005	2005-11/31
<u>historic preservation</u>					
Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
<u>holidays</u>					
Human Resource Management, Administration	27896	R477-7	AMD	07/02/2005	2005-11/36
<u>home-delivered meals</u>					
Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
<u>hospitals</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27582	R414-1B	NSC	02/01/2005	Not Printed
<u>housing</u>					
Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
<u>human services</u>					
Human Services, Administration, Administrative Services, Licensing	27673	R501-18	5YR	01/27/2005	2005-4/52
	27839	R501-19	5YR	04/25/2005	2005-10/51
	27836	R501-20	5YR	04/21/2005	2005-10/51
	27837	R501-21	5YR	04/22/2005	2005-10/52
	27838	R501-22	5YR	04/22/2005	2005-10/52
Human Services, Services for People with Disabilities	27568	R539-1	AMD	01/25/2005	2004-24/17
<u>hunting</u>					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
<u>illegal drug laboratories</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	27650	R392-600	NEW	05/02/2005	2005-3/19
<u>immunization</u>					
Health, Community and Family Health Services, Immunization	27897	R396-100	AMD	07/21/2005	2005-11/6

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>immunization data reporting</u> Health, Epidemiology and Laboratory Services, Epidemiology	27934	R386-800	5YR	05/24/2005	2005-12/89
<u>imputation</u> Public Service Commission, Administration	27857	R746-349	AMD	08/08/2005	2005-10/34
<u>income</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27923	R414-304	AMD	07/02/2005	2005-11/18
<u>income eligibility</u> Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
<u>income tax</u> Tax Commission, Auditing	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
<u>independent contractor</u> Workforce Services, Workforce Information and Payment Services	27789	R994-204	5YR	04/01/2005	2005-8/59
<u>independent living</u> Human Services, Child and Family Services	27982	R512-306	AMD	08/03/2005	2005-13/31
<u>industrial waste</u> Environmental Quality, Water Quality	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
<u>inspections</u> Agriculture and Food, Animal Industry	27695	R58-22	5YR	02/03/2005	2005-5/29
Agriculture and Food, Plant Industry	27773	R68-8-2	NSC	05/01/2005	Not Printed
	27697	R68-20	5YR	02/04/2005	2005-5/30
Agriculture and Food, Regulatory Services	27523	R70-960-7	NSC	01/01/2005	Not Printed
Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
	27991	R313-16	AMD	08/12/2005	2005-13/26
<u>insurance</u> Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
	27715	R590-102-13	NSC	04/01/2005	Not Printed
	27785	R590-140	5YR	03/31/2005	2005-8/56
	27810	R590-146	AMD	08/25/2005	2005-9/19
	27810	R590-146	CPR	08/25/2005	2005-14/76
	27556	R590-147	R&R	02/10/2005	2004-24/21
	27719	R590-148-12	AMD	04/28/2005	2005-6/19
	27554	R590-163	REP	02/10/2005	2004-24/23
	28027	R590-171	5YR	06/14/2005	2005-13/53
	27644	R590-196	5YR	01/07/2005	2005-3/60
	27558	R590-196	AMD	02/10/2005	2004-24/25
	27504	R590-203	CPR	07/22/2005	2005-11/87

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27504	R590-203	AMD	07/22/2005	2004-22/47
	27504	R590-203	CPR	07/22/2005	2005-2/95
	27776	R590-212	NSC	05/01/2005	Not Printed
Natural Resources, Parks and Recreation	28061	R651-409	5YR	07/01/2005	2005-14/99
<u>insurance companies</u>					
Insurance, Administration	27685	R590-128	5YR	01/31/2005	2005-4/53
<u>insurance law</u>					
Insurance, Administration	27684	R590-88	5YR	01/31/2005	2005-4/53
	27723	R590-99-4	NSC	04/01/2005	Not Printed
	27686	R590-132	5YR	01/31/2005	2005-4/54
	27784	R590-164	5YR	03/31/2005	2005-8/57
	27555	R590-174	REP	02/10/2005	2004-24/24
	28120	R590-202	5YR	08/01/2005	2005-16/54
<u>interpreters</u>					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
<u>intoxilyzer</u>					
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102
<u>investigators</u>					
Commerce, Administration	27633	R151-1	NEW	02/15/2005	2005-2/29
<u>investment advisers</u>					
Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60
	27742	R628-19	R&R	05/05/2005	2005-7/64
<u>irradiator</u>					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
<u>IT bid committee</u>					
Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
<u>IT standards council</u>					
Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
<u>judicial conduct commission</u>					
Judicial Conduct Commission, Administration	27330	R595-1	NEW	02/01/2005	2004-17/18
	27580	R595-1	REP	02/01/2005	2005-1/26
	27330	R595-1	CPR	02/01/2005	2004-24/59
	27331	R595-2	NEW	02/01/2005	2004-17/23
	27331	R595-2	CPR	02/01/2005	2004-24/60
	27332	R595-3	NEW	02/01/2005	2004-17/24
	27332	R595-3	CPR	02/01/2005	2004-24/61
	27668	R595-3-10	NSC	02/01/2005	Not Printed
	27333	R595-4	NEW	02/01/2005	2004-17/26
	27333	R595-4	CPR	02/01/2005	2004-24/64

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27807	R595-4-2	AMD	06/02/2005	2005-9/37
<u>laboratories</u>					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	27850	R444-14	AMD	07/01/2005	2005-10/26
<u>land manager</u>					
Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
<u>law</u>					
Public Safety, Fire Marshal	27655	R710-9-6	AMD	03/04/2005	2005-3/47
	27754	R710-9-6	AMD	05/04/2005	2005-7/68
	27975	R710-9-6	AMD	07/19/2005	2005-12/69
<u>lease operations</u>					
School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
<u>lease provisions</u>					
School and Institutional Trust Lands, Administration	27813	R850-21	AMD	06/01/2005	2005-9/46
	27612	R850-21	NEW	04/01/2005	2005-2/58
	27613	R850-22	NEW	04/01/2005	2005-2/65
	27606	R850-25	NEW	04/01/2005	2005-2/81
	27604	R850-26	NEW	04/01/2005	2005-2/84
	27601	R850-27	NEW	04/01/2005	2005-2/86
<u>leave benefits</u>					
Human Resource Management, Administration	27896	R477-7	AMD	07/02/2005	2005-11/36
<u>liability</u>					
Natural Resources, Parks and Recreation	28061	R651-409	5YR	07/01/2005	2005-14/99
<u>license</u>					
Education, Administration	28077	R277-520	5YR	07/06/2005	2005-15/45
Environmental Quality, Radiation Control	27745	R313-19	AMD	05/13/2005	2005-7/34
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28052	R722-310	5YR	06/29/2005	2005-14/100
	28053	R722-330	5YR	06/29/2005	2005-14/100
<u>license plates</u>					
Tax Commission, Motor Vehicle	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
	27993	R156-16a-302b	AMD	08/02/2005	2005-13/6
	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31
	27529	R156-17b	CPR	05/17/2005	2005-8/43
	27529	R156-17b	NEW	05/17/2005	2004-23/20
	27835	R156-26a	AMD	06/21/2005	2005-10/12
	27714	R156-31b	NSC	04/01/2005	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27992	R156-31b	AMD	08/02/2005	2005-13/6
	27600	R156-31b	AMD	02/17/2005	2005-2/36
	27987	R156-38	AMD	08/02/2005	2005-13/13
	27752	R156-38	5YR	03/15/2005	2005-7/75
	27548	R156-47b	CPR	03/07/2005	2005-3/51
	27548	R156-47b	AMD	03/07/2005	2004-24/7
	27435	R156-50	CPR	01/18/2005	2004-24/58
	27435	R156-50	AMD	01/18/2005	2004-20/12
	27942	R156-55a	AMD	07/18/2005	2005-12/13
	28048	R156-55d	5YR	06/28/2005	2005-14/97
	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
	27749	R156-60c	5YR	03/14/2005	2005-7/75
	27538	R156-61-502	AMD	01/04/2005	2004-23/40
	28193	R156-63	5YR	09/01/2005	2005-18/73
	27533	R156-71-202	AMD	01/04/2005	2004-23/41
Commerce, Real Estate	27797	R162-102-1	AMD	05/25/2005	2005-8/12
Human Services, Administration, Administrative Services, Licensing	27673	R501-18	5YR	01/27/2005	2005-4/52
	27839	R501-19	5YR	04/25/2005	2005-10/51
	27836	R501-20	5YR	04/21/2005	2005-10/51
	27837	R501-21	5YR	04/22/2005	2005-10/52
	27838	R501-22	5YR	04/22/2005	2005-10/52
Natural Resources, Water Rights	27691	R655-4	5YR	02/01/2005	2005-4/55
	27392	R655-4	AMD	01/12/2005	2004-18/30
	27475	R655-4	NSC	02/01/2005	Not Printed
<u>liens</u>					
Commerce, Occupational and Professional Licensing	27987	R156-38	AMD	08/02/2005	2005-13/13
	27752	R156-38	5YR	03/15/2005	2005-7/75
<u>life insurance</u>					
Insurance, Administration	27829	R590-93	R&R	06/08/2005	2005-9/12
<u>life insurance filing</u>					
Insurance, Administration	27716	R590-226-3	AMD	04/28/2005	2005-6/21
<u>lifeline rates</u>					
Public Service Commission, Administration	27821	R746-341	AMD	06/20/2005	2005-9/42
<u>liquefied petroleum gas</u>					
Public Safety, Fire Marshal	27573	R710-6	AMD	01/19/2005	2004-24/54
<u>livestock</u>					
Agriculture and Food, Animal Industry	27688	R58-7	5YR	02/01/2005	2005-4/47
<u>loans</u>					
Agriculture and Food, Marketing and Conservation	27787	R65-10	5YR	03/31/2005	2005-8/56
<u>local health departments</u>					
Health, Administration	27571	R380-40	AMD	02/02/2005	2004-24/9

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27990	R380-40	5YR	06/06/2005	2005-13/51
<u>maintenance</u> Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
<u>massage therapy</u> Commerce, Occupational and Professional Licensing	27548	R156-47b	AMD	03/07/2005	2004-24/7
	27548	R156-47b	CPR	03/07/2005	2005-3/51
<u>material permits</u> School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
<u>materials handling</u> School and Institutional Trust Lands, Administration	27602	R850-130	REP	04/01/2005	2005-2/89
<u>Medicaid</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27805	R414-1	AMD	06/03/2005	2005-9/6
	27582	R414-1B	NSC	02/01/2005	Not Printed
	27806	R414-7A	AMD	06/03/2005	2005-9/10
	27505	R414-7D	NEW	01/03/2005	2004-22/15
	27486	R414-10A-6	NSC	01/01/2005	Not Printed
	27733	R414-14	AMD	04/26/2005	2005-6/12
	27925	R414-14A	R&R	07/02/2005	2005-11/9
	27985	R414-19A	5YR	06/03/2005	2005-13/51
	27854	R414-31	AMD	06/15/2005	2005-10/19
	27986	R414-33	5YR	06/03/2005	2005-13/52
	27956	R414-33A	REP	07/20/2005	2005-12/62
	27703	R414-33C	NEW	04/07/2005	2005-5/23
	27958	R414-33D	NEW	07/20/2005	2005-12/64
	27589	R414-34-6	AMD	02/01/2005	2005-1/21
	27591	R414-36-6	AMD	02/01/2005	2005-1/22
	27840	R414-49	AMD	07/01/2005	2005-10/21
	27849	R414-53	AMD	07/01/2005	2005-10/22
	27741	R414-61	5YR	03/11/2005	2005-7/77
	27586	R414-61-2	AMD	02/01/2005	2005-1/23
	27549	R414-63	AMD	01/26/2005	2004-24/13
	27557	R414-90	AMD	01/19/2005	2004-24/15
	27588	R414-200	AMD	02/01/2005	2005-1/24
	27902	R414-301	AMD	07/02/2005	2005-11/16
	27879	R414-305-2	AMD	07/02/2005	2005-11/23
	27901	R414-309	NEW	07/02/2005	2005-11/25
	27852	R414-401-3	AMD	07/01/2005	2005-10/24
	28066	R414-504	AMD	08/16/2005	2005-14/18
	27851	R414-504	AMD	07/01/2005	2005-10/24
	27935	R414-507	AMD	07/20/2005	2005-12/66
	27629	R414-507	NEW	02/15/2005	2005-2/42

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>medical examiner</u>					
Health, Medical Examiner	27988	R448-10	5YR	06/06/2005	2005-13/52
	27989	R448-20	5YR	06/06/2005	2005-13/53
<u>medical practitioner</u>					
Labor Commission, Industrial Accidents	27894	R612-2-1	AMD	07/02/2005	2005-11/51
	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
	27899	R612-2-5	AMD	07/02/2005	2005-11/54
	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
<u>mental health</u>					
Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75
Human Services, Substance Abuse and Mental Health	27638	R523-1	AMD	03/07/2005	2005-3/28
<u>mental retardation</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	27941	R398-10	AMD	08/30/2005	2005-12/61
<u>mineral classification</u>					
School and Institutional Trust Lands, Administration	27606	R850-25	NEW	04/01/2005	2005-2/81
<u>mineral leases</u>					
School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
<u>mineral resources</u>					
School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
Tax Commission, Auditing	27739	R865-16R	5YR	03/08/2005	2005-7/77
<u>mining</u>					
Environmental Quality, Air Quality	27764	R307-205	AMD	07/07/2005	2005-7/12
	28223	R307-205	5YR	09/07/2005	Not Printed
<u>minors</u>					
Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
<u>motor carrier</u>					
Transportation, Motor Carrier, Ports of Entry	27790	R912-6	NEW	06/27/2005	2005-8/39
<u>motor vehicle record</u>					
Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100
<u>motor vehicles</u>					
Environmental Quality, Air Quality	28079	R307-320	5YR	07/07/2005	2005-15/46
	27701	R307-320	NSC	07/07/2005	Not Printed
Tax Commission, Motor Vehicle	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
	28046	R873-22M-27	AMD	09/01/2005	2005-14/68

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>naturopathic physician</u> Commerce, Occupational and Professional Licensing	27533	R156-71-202	AMD	01/04/2005	2004-23/41
<u>naturopaths</u> Commerce, Occupational and Professional Licensing	27533	R156-71-202	AMD	01/04/2005	2004-23/41
<u>new source review</u> Environmental Quality, Air Quality	27665	R307-210	AMD	04/19/2005	2005-4/17
<u>next-of-kin</u> Health, Medical Examiner	27989	R448-20	5YR	06/06/2005	2005-13/53
<u>non-traditional</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27588	R414-200	AMD	02/01/2005	2005-1/24
<u>nonpublic schools</u> Education, Administration	27705	R277-410	AMD	04/01/2005	2005-5/8
<u>notice of commencement</u> Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
<u>notice of completion</u> Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
<u>nuclear medicine</u> Environmental Quality, Radiation Control	27748	R313-32	AMD	05/13/2005	2005-7/38
<u>nurseries (agricultural)</u> Agriculture and Food, Plant Industry	28209	R68-6	5YR	09/06/2005	Not Printed
<u>nurses</u> Commerce, Occupational and Professional Licensing	27600	R156-31b	AMD	02/17/2005	2005-2/36
	27992	R156-31b	AMD	08/02/2005	2005-13/6
	27714	R156-31b	NSC	04/01/2005	Not Printed
<u>nursing facility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27852	R414-401-3	AMD	07/01/2005	2005-10/24
<u>nutrition</u> Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
<u>oath</u> Commerce, Administration	27633	R151-1	NEW	02/15/2005	2005-2/29
<u>occupational licensing</u> Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
	27942	R156-55a	AMD	07/18/2005	2005-12/13
<u>off-highway vehicles</u> Natural Resources, Parks and Recreation	27566	R651-401	AMD	01/15/2005	2004-24/37

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>offset</u> Environmental Quality, Air Quality	27767	R307-421	NEW	07/07/2005	2005-7/28
<u>oil gas and hydrocarbons</u> School and Institutional Trust Lands, Administration	27612	R850-21	NEW	04/01/2005	2005-2/58
	27813	R850-21	AMD	06/01/2005	2005-9/46
<u>oil shale</u> School and Institutional Trust Lands, Administration	27613	R850-22	NEW	04/01/2005	2005-2/65
<u>onsite wastewater systems</u> Environmental Quality, Water Quality	27699	R317-4	5YR	02/10/2005	2005-5/30
<u>opening and closing dates</u> Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
<u>operations</u> School and Institutional Trust Lands, Administration	27612	R850-21	NEW	04/01/2005	2005-2/58
	27813	R850-21	AMD	06/01/2005	2005-9/46
<u>operator certification</u> Environmental Quality, Water Quality	27656	R317-10-6	AMD	04/20/2005	2005-3/18
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102
<u>optometrists</u> Commerce, Occupational and Professional Licensing	27993	R156-16a-302b	AMD	08/02/2005	2005-13/6
<u>overpayments</u> Human Services, Recovery Services	28089	R527-332	5YR	07/14/2005	2005-15/47
<u>overtime</u> Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
<u>ownership</u> Natural Resources, Water Rights	27690	R655-3	5YR	02/01/2005	2005-4/54
<u>ozone</u> Environmental Quality, Air Quality	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	Not Printed
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
<u>parental defense</u> Administrative Services, Child Welfare Parental Defense (Office of)	27518	R19-1	NEW	05/13/2005	2004-22/9

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27518	R19-1	CPR	05/13/2005	2005-2/94
<u>parks</u>					
Natural Resources, Parks and Recreation	28061	R651-409	5YR	07/01/2005	2005-14/99
	28060	R651-634	5YR	07/01/2005	2005-14/99
	27920	R651-634-1	NSC	06/01/2005	Not Printed
<u>particulate matter</u>					
Environmental Quality, Air Quality	27762	R307-305	CPR	09/02/2005	2005-15/36
	27762	R307-305	AMD	09/02/2005	2005-7/19
	28216	R307-305	5YR	09/07/2005	Not Printed
	28218	R307-307	5YR	09/07/2005	Not Printed
<u>patriotic education</u>					
Education, Administration	28142	R277-475	5YR	08/15/2005	2005-17/55
<u>payment determination</u>					
Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
<u>peace officers</u>					
Public Safety, Peace Officer Standards and Training	28043	R728-205	5YR	06/27/2005	2005-14/101
<u>pedestrians</u>					
Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
<u>peer review</u>					
Commerce, Occupational and Professional Licensing	27835	R156-26a	AMD	06/21/2005	2005-10/12
<u>penalties</u>					
Environmental Quality, Drinking Water	27781	R309-405	NSC	05/16/2005	Not Printed
	27916	R309-405	5YR	05/16/2005	2005-11/97
<u>people with disabilities</u>					
Human Services, Services for People with Disabilities	27626	R539-2	NEW	03/12/2005	2005-2/45
	27794	R539-2-5	NSC	05/01/2005	Not Printed
	27792	R539-2-6	AMD	05/17/2005	2005-8/29
	27627	R539-3	NEW	03/12/2005	2005-2/47
	27793	R539-3-10	AMD	05/17/2005	2005-8/30
	27724	R539-4	NEW	05/03/2005	2005-6/16
<u>per diem allowances</u>					
Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
<u>performance standards</u>					
Health, Administration	27571	R380-40	AMD	02/02/2005	2004-24/9
	27990	R380-40	5YR	06/06/2005	2005-13/51
<u>permit provisions</u>					
School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>permit terms</u>					
School and Institutional Trust Lands, Administration	27606	R850-25	NEW	04/01/2005	2005-2/81
<u>permits</u>					
Natural Resources, Forestry, Fire and State Lands	27750	R652-70-1900	AMD	05/20/2005	2005-7/66
	27740	R652-70-2300	AMD	05/20/2005	2005-7/67
	27843	R652-120	5YR	04/28/2005	2005-10/53
Natural Resources, Wildlife Resources	28083	R657-42	AMD	09/06/2005	2005-15/20
	27553	R657-42-4	AMD	01/15/2005	2004-24/53
School and Institutional Trust Lands, Administration	27602	R850-130	REP	04/01/2005	2005-2/89
Transportation, Motor Carrier, Ports of Entry	27953	R912-3	REP	07/18/2005	2005-12/74
	27790	R912-6	NEW	06/27/2005	2005-8/39
	27952	R912-11	NEW	07/18/2005	2005-12/79
	27972	R912-14	AMD	07/18/2005	2005-12/82
<u>permitted vehicles</u>					
Transportation, Motor Carrier, Ports of Entry	27970	R912-9	NEW	07/18/2005	2005-12/74
	27971	R912-10	NEW	07/18/2005	2005-12/77
<u>personnel files</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28002	R606-6	5YR	06/08/2005	2005-13/56
<u>personnel management</u>					
Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
<u>pharmacies</u>					
Commerce, Occupational and Professional Licensing	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31
	27529	R156-17b	CPR	05/17/2005	2005-8/43
	27529	R156-17b	NEW	05/17/2005	2004-23/20
<u>pharmacists</u>					
Commerce, Occupational and Professional Licensing	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31
	27529	R156-17b	NEW	05/17/2005	2004-23/20
	27529	R156-17b	CPR	05/17/2005	2005-8/43
<u>physicians</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27582	R414-1B	NSC	02/01/2005	Not Printed
<u>pilot/escort vehicles</u>					
Transportation, Motor Carrier, Ports of Entry	27970	R912-9	NEW	07/18/2005	2005-12/74
	27971	R912-10	NEW	07/18/2005	2005-12/77
<u>pipeline</u>					
Public Service Commission, Administration	27527	R746-409-1	NSC	01/01/2005	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>plan of operation</u>					
School and Institutional Trust Lands, Administration	27604	R850-26	NEW	04/01/2005	2005-2/84
	27601	R850-27	NEW	04/01/2005	2005-2/86
<u>planning</u>					
Administrative Services, Facilities Construction and Management	27615	R23-3	AMD	03/15/2005	2005-2/9
<u>planning-budgeting</u>					
Capitol Preservation Board (State), Administration	27713	R131-7	5YR	02/16/2005	2005-6/34
<u>plant diseases</u>					
Agriculture and Food, Plant Industry	28211	R68-10	5YR	09/06/2005	Not Printed
	28212	R68-12	5YR	09/06/2005	Not Printed
<u>PM 10</u>					
Environmental Quality, Air Quality	27760	R307-207	CPR	09/02/2005	2005-15/33
	28219	R307-302	5YR	09/07/2005	Not Printed
	27765	R307-309	CPR	09/02/2005	2005-15/39
	28220	R307-309	5YR	09/07/2005	Not Printed
<u>PM 2.5</u>					
Environmental Quality, Air Quality	27762	R307-305	CPR	09/02/2005	2005-15/36
	28216	R307-305	5YR	09/07/2005	Not Printed
<u>PM10</u>					
Environmental Quality, Air Quality	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	Not Printed
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
	28214	R307-201	5YR	09/07/2005	Not Printed
	27757	R307-201	AMD	09/02/2005	2005-7/9
	27757	R307-201	CPR	09/02/2005	2005-15/32
	27759	R307-206	AMD	07/07/2005	2005-7/15
	28217	R307-206	5YR	09/07/2005	Not Printed
	27760	R307-207	NEW	09/02/2005	2005-7/16
	27762	R307-305	AMD	09/02/2005	2005-7/19
	28216	R307-305	5YR	09/07/2005	Not Printed
	27762	R307-305	CPR	09/02/2005	2005-15/36
	27763	R307-306	NEW	09/02/2005	2005-7/22
	27763	R307-306	CPR	09/02/2005	2005-15/38
	28218	R307-307	5YR	09/07/2005	Not Printed
	27765	R307-309	AMD	09/02/2005	2005-7/24

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	28222	R307-310	5YR	09/07/2005	Not Printed
	27766	R307-310-5	AMD	07/07/2005	2005-7/27
	28080	R307-310-5	NSC	09/01/2005	Not Printed
	27767	R307-421	NEW	07/07/2005	2005-7/28
<u>PM2.5</u>					
Environmental Quality, Air Quality	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	Not Printed
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
	27762	R307-305	AMD	09/02/2005	2005-7/19
	27767	R307-421	NEW	07/07/2005	2005-7/28
<u>policies and procedures</u>					
Human Services, Substance Abuse and Mental Health	27638	R523-1	AMD	03/07/2005	2005-3/28
<u>policy</u>					
Capitol Preservation Board (State), Administration	27632	R131-9	NEW	03/03/2005	2005-2/26
<u>ports of entry</u>					
Transportation, Motor Carrier, Ports of Entry	27790	R912-6	NEW	06/27/2005	2005-8/39
<u>pregnancy prevention</u>					
Education, Administration	28141	R277-474	5YR	08/15/2005	2005-17/54
<u>preliminary notice</u>					
Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
<u>prescriptions</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27549	R414-63	AMD	01/26/2005	2004-24/13
<u>preservation</u>					
Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
<u>price indexes</u>					
Public Service Commission, Administration	27858	R746-352	REP	08/08/2005	2005-10/36
<u>primary term</u>					
School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
<u>privacy</u>					
Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>private investigators</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28053	R722-330	5YR	06/29/2005	2005-14/100
<u>private probation provider</u>					
Commerce, Occupational and Professional Licensing	27435	R156-50	CPR	01/18/2005	2004-24/58
	27435	R156-50	AMD	01/18/2005	2004-20/12
<u>private security officers</u>					
Commerce, Occupational and Professional Licensing	28193	R156-63	5YR	09/01/2005	2005-18/73
<u>probation</u>					
Commerce, Occupational and Professional Licensing	27435	R156-50	CPR	01/18/2005	2004-24/58
	27435	R156-50	AMD	01/18/2005	2004-20/12
<u>procedures</u>					
Public Service Commission, Administration	27855	R746-240	AMD	08/08/2005	2005-10/29
	27856	R746-340	AMD	08/08/2005	2005-10/32
<u>procurement</u>					
Administrative Services, Facilities Construction and Management	27603	R23-1	AMD	03/15/2005	2005-2/2
	27605	R23-2	AMD	03/15/2005	2005-2/7
	27615	R23-3	AMD	03/15/2005	2005-2/9
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33
<u>professional counselors</u>					
Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75
<u>professional engineers</u>					
Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
<u>professional land surveyors</u>					
Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
<u>professional staff</u>					
Education, Administration	27873	R277-486-6	NSC	07/01/2005	Not Printed
<u>program</u>					
Capitol Preservation Board (State), Administration	27632	R131-9	NEW	03/03/2005	2005-2/26
<u>promotions</u>					
Agriculture and Food, Marketing and Conservation	28204	R65-1	5YR	09/02/2005	Not Printed
	28205	R65-3	5YR	09/02/2005	Not Printed
	28206	R65-4	5YR	09/02/2005	Not Printed
<u>property casualty insurance filing</u>					
Insurance, Administration	27709	R590-225-3	CPR	07/22/2005	2005-10/49
	27709	R590-225-3	AMD	07/22/2005	2005-5/26

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>psychologists</u>					
Commerce, Occupational and Professional Licensing	27538	R156-61-502	AMD	01/04/2005	2004-23/40
<u>public buildings</u>					
Administrative Services, Facilities Construction and Management	27603	R23-1	AMD	03/15/2005	2005-2/2
Capitol Preservation Board (State), Administration	27712	R131-2	5YR	02/16/2005	2005-6/33
	27713	R131-7	5YR	02/16/2005	2005-6/34
Public Safety, Fire Marshal	27653	R710-4-3	AMD	03/04/2005	2005-3/44
	27976	R710-4-3	AMD	07/19/2005	2005-12/67
<u>public education</u>					
Education, Administration	27799	R277-437	AMD	05/19/2005	2005-8/17
	27800	R277-438	AMD	05/19/2005	2005-8/19
<u>public funds</u>					
Money Management Council, Administration	27742	R628-19	R&R	05/05/2005	2005-7/64
<u>public information</u>					
Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
<u>public investments</u>					
Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60
<u>public notification</u>					
Environmental Quality, Drinking Water	27914	R309-220	5YR	05/16/2005	2005-11/95
<u>public schools</u>					
Education, Administration	27705	R277-410	AMD	04/01/2005	2005-5/8
<u>public utilities</u>					
Public Service Commission, Administration	27587	R746-200-6	AMD	02/25/2005	2005-1/32
	27857	R746-349	AMD	08/08/2005	2005-10/34
	27858	R746-352	REP	08/08/2005	2005-10/36
	27860	R746-360	AMD	08/08/2005	2005-10/42
	27302	R746-360-9	CPR	01/04/2005	2004-23/54
	27302	R746-360-9	AMD	01/04/2005	2004-15/59
	27861	R746-405-1	AMD	08/08/2005	2005-10/44
<u>quality control</u>					
Agriculture and Food, Regulatory Services	28213	R70-101	5YR	09/06/2005	Not Printed
<u>quality standards</u>					
Environmental Quality, Drinking Water	27913	R309-200	5YR	05/16/2005	2005-11/93
<u>quarantines</u>					
Agriculture and Food, Animal Industry	27581	R58-2	AMD	02/01/2005	2005-1/9
<u>rabbits</u>					
Natural Resources, Wildlife Resources	28081	R657-6	AMD	09/06/2005	2005-15/7
	28082	R657-6	5YR	07/08/2005	2005-15/49

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>radiation</u>					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
<u>radiation safety</u>					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
<u>radioactive materials</u>					
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
	27747	R313-22	AMD	05/13/2005	2005-7/36
	27748	R313-32	AMD	05/13/2005	2005-7/38
<u>radiopharmaceutical</u>					
Environmental Quality, Radiation Control	27748	R313-32	AMD	05/13/2005	2005-7/38
<u>range management</u>					
School and Institutional Trust Lands, Administration	27811	R850-50	AMD	06/01/2005	2005-9/49
<u>reading</u>					
Education, Administration	28143	R277-476	5YR	08/15/2005	2005-17/55
	27933	R277-480	REP	07/18/2005	2005-12/27
<u>real estate appraisals</u>					
Commerce, Real Estate	27797	R162-102-1	AMD	05/25/2005	2005-8/12
	27950	R162-103-5	AMD	07/27/2005	2005-12/17
	27788	R162-107	AMD	05/25/2005	2005-8/14
	27946	R162-109	AMD	07/27/2005	2005-12/18
<u>real estate business</u>					
Commerce, Real Estate	27951	R162-2-1	AMD	08/17/2005	2005-12/15
	27951	R162-2-1	CPR	08/17/2005	2005-14/75
	27720	R162-2-2	NSC	04/01/2005	Not Printed
	27940	R162-6-1	AMD	07/20/2005	2005-12/16
<u>reciprocity</u>					
Environmental Quality, Radiation Control	27745	R313-19	AMD	05/13/2005	2005-7/34
<u>reclamation</u>					
Natural Resources, Oil, Gas and Mining; Coal	27778	R645-105	5YR	03/25/2005	2005-8/58
	27779	R645-400	5YR	03/25/2005	2005-8/58
<u>records</u>					
Health, Medical Examiner	27989	R448-20	5YR	06/06/2005	2005-13/53
<u>records appeal hearings</u>					
Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
	27700	R35-1a	NSC	04/01/2005	Not Printed
	27621	R35-1a	NEW	03/08/2005	2005-2/17
	27625	R35-2	AMD	03/04/2005	2005-2/18
	27622	R35-3	AMD	03/04/2005	2005-2/19

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
<u>recreation</u>					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
<u>registration</u>					
Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
<u>regulated contaminants</u>					
Environmental Quality, Drinking Water	27913	R309-200	5YR	05/16/2005	2005-11/93
<u>rehabilitation</u>					
Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
<u>reimbursement</u>					
Corrections, Administration	28086	R251-113	5YR	07/13/2005	2005-15/43
<u>religious activities</u>					
Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
	27819	R865-19S-20	AMD	07/01/2005	2005-9/52
	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
<u>reporting</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	27941	R398-10	AMD	08/30/2005	2005-12/61
<u>reporting death</u>					
Health, Medical Examiner	27988	R448-10	5YR	06/06/2005	2005-13/52
<u>repository</u>					
Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
<u>residency requirements</u>					
Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>residential mortgage loan origination</u>					
Commerce, Real Estate	27943	R162-202	AMD	08/03/2005	2005-12/21
	27945	R162-208	AMD	08/03/2005	2005-12/22
<u>resolution</u>					
Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
<u>respite</u>					
Human Services, Aging and Adult Services	28039	R510-401	5YR	06/22/2005	2005-14/98
<u>retirement</u>					
Human Resource Management, Administration	27890	R477-12-3	AMD	07/02/2005	2005-11/47
Public Safety, Peace Officer Standards and Training	28043	R728-205	5YR	06/27/2005	2005-14/101
<u>rights</u>					
Human Services, Services for People with Disabilities	27627	R539-3	NEW	03/12/2005	2005-2/47
	27793	R539-3-10	AMD	05/17/2005	2005-8/30
<u>ropeways</u>					
Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
<u>royalties</u>					
School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
<u>rules</u>					
Public Service Commission, Administration	27587	R746-200-6	AMD	02/25/2005	2005-1/32
<u>rules and procedures</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	27496	R386-702	CPR	05/16/2005	2005-3/53
	27496	R386-702	AMD	05/16/2005	2004-21/13
	27853	R386-702-9	AMD	08/25/2005	2005-10/17
Health, Community and Family Health Services, Immunization	27897	R396-100	AMD	07/21/2005	2005-11/6
Public Service Commission, Administration	27821	R746-341	AMD	06/20/2005	2005-9/42
	27861	R746-405-1	AMD	08/08/2005	2005-10/44
	27527	R746-409-1	NSC	01/01/2005	Not Printed
	27812	R850-2	NSC	05/01/2005	Not Printed
<u>safety</u>					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
Labor Commission, Occupational Safety and Health	28013	R614-1-4	AMD	08/02/2005	2005-13/33
	27903	R614-7-4	AMD	07/02/2005	2005-11/60
Labor Commission, Safety	27616	R616-2-3	AMD	03/07/2005	2005-2/49
	27590	R616-3-3	AMD	02/01/2005	2005-1/30
Public Service Commission, Administration	27527	R746-409-1	NSC	01/01/2005	Not Printed
Transportation, Motor Carrier, Ports of Entry	28150	R912-16	5YR	08/15/2005	2005-17/56
	27954	R912-16	5YR	06/01/2005	2005-12/89

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>safety education</u> Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
<u>safety regulations</u> Transportation, Motor Carrier, Ports of Entry	27953	R912-3	REP	07/18/2005	2005-12/74
	27952	R912-11	NEW	07/18/2005	2005-12/79
<u>salaries</u> Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
<u>sales tax</u> Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
	27819	R865-19S-20	AMD	07/01/2005	2005-9/52
	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
<u>sand</u> School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
<u>scholarship</u> Education, Administration	28143	R277-476	5YR	08/15/2005	2005-17/55
<u>scholarships</u> Education, Administration	28026	R277-602	EMR	06/14/2005	2005-13/47
	27666	R765-604	AMD	03/22/2005	2005-4/22
	27663	R765-604	5YR	01/19/2005	2005-4/56
<u>school personnel</u> Education, Administration	28140	R277-107	5YR	08/15/2005	2005-17/54
<u>schools</u> Education, Administration	28141	R277-474	5YR	08/15/2005	2005-17/54
<u>science</u> Education, Administration	27932	R277-444	AMD	07/18/2005	2005-12/24
<u>secondary education</u> Regents (Board Of), Administration	27666	R765-604	AMD	03/22/2005	2005-4/22

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27663	R765-604	5YR	01/19/2005	2005-4/56
<u>securities</u>					
Commerce, Securities	27732	R164-2	5YR	02/28/2005	2005-6/34
	27735	R164-2-1	NSC	04/01/2005	Not Printed
	27777	R164-9-1	EMR	03/25/2005	2005-8/53
Money Management Council, Administration	27742	R628-19	R&R	05/05/2005	2005-7/64
<u>securities regulation</u>					
Commerce, Securities	27732	R164-2	5YR	02/28/2005	2005-6/34
	27735	R164-2-1	NSC	04/01/2005	Not Printed
	27777	R164-9-1	EMR	03/25/2005	2005-8/53
Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60
<u>security guards</u>					
Commerce, Occupational and Professional Licensing	28193	R156-63	5YR	09/01/2005	2005-18/73
<u>self administered services</u>					
Human Services, Services for People with Disabilities	27801	R539-5	NEW	05/17/2005	2005-8/33
<u>self-administered services</u>					
Human Services, Services for People with Disabilities	27939	R539-5-5	NSC	06/01/2005	Not Printed
<u>self-employment income</u>					
Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
<u>septic tanks</u>					
Environmental Quality, Water Quality	27699	R317-4	5YR	02/10/2005	2005-5/30
<u>services</u>					
Human Services, Services for People with Disabilities	27626	R539-2	NEW	03/12/2005	2005-2/45
	27794	R539-2-5	NSC	05/01/2005	Not Printed
<u>settlement</u>					
Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
<u>sex education</u>					
Education, Administration	28141	R277-474	5YR	08/15/2005	2005-17/54
<u>skills tests</u>					
Public Safety, Driver License	27898	R708-37	5YR	05/13/2005	2005-11/101
<u>small game</u>					
Natural Resources, Wildlife Resources	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14
<u>smoke</u>					
Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>social services</u>					
Human Services, Services for People with Disabilities	27651	R539-2	REP	03/12/2005	2005-3/31
	27792	R539-2-6	AMD	05/17/2005	2005-8/29
	27652	R539-3	REP	03/12/2005	2005-3/34
	27753	R539-4	REP	05/03/2005	2005-7/58
	27802	R539-5	REP	05/17/2005	2005-8/31
	28037	R539-7	EMR	06/20/2005	2005-14/94
	27795	R539-8	REP	05/17/2005	2005-8/35
<u>source monitoring</u>					
Environmental Quality, Drinking Water	27917	R309-205	5YR	05/16/2005	2005-11/93
<u>sovereign lands</u>					
Natural Resources, Forestry, Fire and State Lands	27750	R652-70-1900	AMD	05/20/2005	2005-7/66
	27740	R652-70-2300	AMD	05/20/2005	2005-7/67
<u>special needs students</u>					
Education, Administration	28026	R277-602	EMR	06/14/2005	2005-13/47
<u>specific licenses</u>					
Environmental Quality, Radiation Control	27747	R313-22	AMD	05/13/2005	2005-7/36
<u>speech impaired</u>					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
<u>state buildings</u>					
Administrative Services, Facilities Construction and Management	27615	R23-3	AMD	03/15/2005	2005-2/9
Capitol Preservation Board (State), Administration	27713	R131-7	5YR	02/16/2005	2005-6/34
<u>state employees</u>					
Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
<u>state HEAT office records</u>					
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
<u>state records committee</u>					
Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
	27621	R35-1a	NEW	03/08/2005	2005-2/17
	27700	R35-1a	NSC	04/01/2005	Not Printed
	27625	R35-2	AMD	03/04/2005	2005-2/18
	27622	R35-3	AMD	03/04/2005	2005-2/19
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
<u>state vehicle use</u>					
Administrative Services, Fleet Operations	27599	R27-3-6	NSC	02/01/2005	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>stationary sources</u>					
Environmental Quality, Air Quality	27665	R307-210	AMD	04/19/2005	2005-4/17
<u>stove</u>					
Environmental Quality, Air Quality	27760	R307-207	CPR	09/02/2005	2005-15/33
	27760	R307-207	NEW	09/02/2005	2005-7/16
	28219	R307-302	5YR	09/07/2005	Not Printed
	27761	R307-302	CPR	09/02/2005	2005-15/34
<u>stoves</u>					
Environmental Quality, Air Quality	27761	R307-302	AMD	09/02/2005	2005-7/17
<u>student eligibility</u>					
Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
<u>student loans</u>					
Regents (Board Of), Administration	27841	R765-626	5YR	04/26/2005	2005-10/53
<u>students</u>					
Education, Administration	27933	R277-480	REP	07/18/2005	2005-12/27
	27875	R277-713	NSC	07/01/2005	Not Printed
	27662	R277-713	AMD	03/21/2005	2005-4/14
<u>students at risk</u>					
Education, Administration	28076	R277-464	5YR	07/06/2005	2005-15/44
<u>subpoena</u>					
Human Services, Recovery Services	27938	R527-67	REP	08/10/2005	2005-12/67
	27842	R527-67	NSC	08/10/2005	Not Printed
<u>supplies</u>					
Education, Administration	28075	R277-459	5YR	07/06/2005	2005-15/44
<u>surface water treatment plant monitoring</u>					
Environmental Quality, Drinking Water	27910	R309-215	5YR	05/16/2005	2005-11/94
<u>survey</u>					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
<u>surveyors</u>					
Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
<u>systems</u>					
Public Safety, Fire Marshal	27671	R710-7-1	AMD	06/13/2005	2005-4/21
<u>tailings</u>					
Environmental Quality, Air Quality	27764	R307-205	AMD	07/07/2005	2005-7/12
	28223	R307-205	5YR	09/07/2005	Not Printed
<u>tariffs</u>					
Public Service Commission, Administration	27861	R746-405-1	AMD	08/08/2005	2005-10/44

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>tax credit</u>					
Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
<u>tax exemptions</u>					
Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
	27819	R865-19S-20	AMD	07/01/2005	2005-9/52
	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
<u>tax returns</u>					
Tax Commission, Auditing	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
<u>taxation</u>					
Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
	27739	R865-16R	5YR	03/08/2005	2005-7/77
Tax Commission, Motor Vehicle	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
<u>teacher certification</u>					
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
<u>teachers</u>					
Education, Administration	28075	R277-459	5YR	07/06/2005	2005-15/44
	28143	R277-476	5YR	08/15/2005	2005-17/55
<u>technology best practices</u>					
Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
<u>telecommunications</u>					
Public Service Commission, Administration	27855	R746-240	AMD	08/08/2005	2005-10/29
	27856	R746-340	AMD	08/08/2005	2005-10/32
	27821	R746-341	AMD	06/20/2005	2005-9/42
	27857	R746-349	AMD	08/08/2005	2005-10/34
	27858	R746-352	REP	08/08/2005	2005-10/36
	27859	R746-356	AMD	08/08/2005	2005-10/40
	27860	R746-360	AMD	08/08/2005	2005-10/42
	27302	R746-360-9	CPR	01/04/2005	2004-23/54

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27302	R746-360-9	AMD	01/04/2005	2004-15/59
<u>telecommuting</u> Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
<u>telephone</u> Public Service Commission, Administration	27821	R746-341	AMD	06/20/2005	2005-9/42
<u>telephone utility regulations</u> Public Service Commission, Administration	27856	R746-340	AMD	08/08/2005	2005-10/32
<u>telephones</u> Public Service Commission, Administration	27855	R746-240	AMD	08/08/2005	2005-10/29
<u>time</u> Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
<u>title</u> Insurance, Administration	27776	R590-212	NSC	05/01/2005	Not Printed
<u>traffic control</u> Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
<u>traffic safety</u> Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
<u>traffic signs</u> Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
<u>training</u> Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
<u>training programs</u> Human Resource Management, Administration	27887	R477-10	AMD	07/02/2005	2005-11/43
<u>tramway permits</u> Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
<u>tramways</u> Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
<u>transportation</u> Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
Environmental Quality, Radiation Control	27745	R313-19	AMD	05/13/2005	2005-7/34
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
<u>transportation conformity</u> Environmental Quality, Air Quality	28222	R307-310	5YR	09/07/2005	Not Printed
	28080	R307-310-5	NSC	09/01/2005	Not Printed
	27766	R307-310-5	AMD	07/07/2005	2005-7/27

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>transportation safety</u> Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
<u>trip reduction</u> Environmental Quality, Air Quality	27701	R307-320	NSC	07/07/2005	Not Printed
	28079	R307-320	5YR	07/07/2005	2005-15/46
<u>trucking industries</u> Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
<u>trucks</u> Transportation, Motor Carrier, Ports of Entry	27953	R912-3	REP	07/18/2005	2005-12/74
	27790	R912-6	NEW	06/27/2005	2005-8/39
	27970	R912-9	NEW	07/18/2005	2005-12/74
	27971	R912-10	NEW	07/18/2005	2005-12/77
	27952	R912-11	NEW	07/18/2005	2005-12/79
	27972	R912-14	AMD	07/18/2005	2005-12/82
	28150	R912-16	5YR	08/15/2005	2005-17/56
	27954	R912-16	5YR	06/01/2005	2005-12/89
<u>unattended death</u> Health, Medical Examiner	27988	R448-10	5YR	06/06/2005	2005-13/52
<u>underground injection control</u> Environmental Quality, Water Quality	27596	R317-7	NSC	02/01/2005	Not Printed
<u>unemployed workers</u> Workforce Services, Workforce Information and Payment Services	28170	R994-207	5YR	08/25/2005	2005-18/75
<u>unemployment compensation</u> Workforce Services, Workforce Information and Payment Services	27730	R994-201	NSC	04/01/2005	Not Printed
	27789	R994-204	5YR	04/01/2005	2005-8/59
	27791	R994-205	5YR	04/01/2005	2005-8/59
	27796	R994-206	5YR	04/01/2005	2005-8/60
	28170	R994-207	5YR	08/25/2005	2005-18/75
	27728	R994-401	NSC	04/01/2005	Not Printed
	27729	R994-403	NSC	04/01/2005	Not Printed
<u>unemployment experience rating</u> Workforce Services, Workforce Information and Payment Services	27823	R994-304	NEW	06/01/2005	2005-9/69
<u>uninsured motorist database</u> Public Safety, Driver License	27877	R708-32	5YR	05/10/2005	2005-11/100
<u>units</u> Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
<u>universal service</u> Public Service Commission, Administration	27860	R746-360	AMD	08/08/2005	2005-10/42
	27302	R746-360-9	CPR	01/04/2005	2004-23/54

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27302	R746-360-9	AMD	01/04/2005	2004-15/59
<u>utility regulations</u>					
Public Service Commission, Administration	27861	R746-405-1	AMD	08/08/2005	2005-10/44
<u>utility service shutoff</u>					
Public Service Commission, Administration	27587	R746-200-6	AMD	02/25/2005	2005-1/32
<u>vacations</u>					
Human Resource Management, Administration	27896	R477-7	AMD	07/02/2005	2005-11/36
<u>vehicle replacement</u>					
Administrative Services, Fleet Operations	27543	R27-4	AMD	01/10/2005	2004-23/5
<u>waste disposal</u>					
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
Environmental Quality, Water Quality	28054	R317-1	AMD	08/22/2005	2005-14/13
	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
<u>wastewater</u>					
Environmental Quality, Water Quality	27658	R317-3-10	AMD	04/20/2005	2005-3/10
	27699	R317-4	5YR	02/10/2005	2005-5/30
<u>wastewater treatment</u>					
Environmental Quality, Water Quality	27656	R317-10-6	AMD	04/20/2005	2005-3/18
<u>water pollution</u>					
Environmental Quality, Water Quality	28054	R317-1	AMD	08/22/2005	2005-14/13
	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
	27593	R317-2	AMD	06/01/2005	2005-1/13
	27593	R317-2	CPR	06/01/2005	2005-9/72
	27658	R317-3-10	AMD	04/20/2005	2005-3/10
	27657	R317-8-3	AMD	04/20/2005	2005-3/12
	27656	R317-10-6	AMD	04/20/2005	2005-3/18
<u>water quality</u>					
Environmental Quality, Drinking Water	27905	R309-225	5YR	05/16/2005	2005-11/95
Environmental Quality, Water Quality	27658	R317-3-10	AMD	04/20/2005	2005-3/10
	27596	R317-7	NSC	02/01/2005	Not Printed
<u>water quality standards</u>					
Environmental Quality, Water Quality	27593	R317-2	CPR	06/01/2005	2005-9/72
	27593	R317-2	AMD	06/01/2005	2005-1/13
<u>water rights</u>					
Natural Resources, Water Rights	27690	R655-3	5YR	02/01/2005	2005-4/54
	27691	R655-4	5YR	02/01/2005	2005-4/55
	27392	R655-4	AMD	01/12/2005	2004-18/30
	27475	R655-4	NSC	02/01/2005	Not Printed
	28032	R655-14	NEW	08/15/2005	2005-13/34

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>water system rating</u> Environmental Quality, Drinking Water	27909	R309-150	5YR	05/16/2005	2005-11/92
<u>watershed management</u> Environmental Quality, Drinking Water	27907	R309-105	5YR	05/16/2005	2005-11/91
<u>weed control</u> Agriculture and Food, Plant Industry	27774	R68-9-2	NSC	05/01/2005	Not Printed
<u>well drilling</u> Natural Resources, Water Rights	27475	R655-4	NSC	02/01/2005	Not Printed
	27392	R655-4	AMD	01/12/2005	2004-18/30
	27691	R655-4	5YR	02/01/2005	2005-4/55
<u>wildlife</u> Natural Resources, Wildlife Resources	27865	R657-5	AMD	07/05/2005	2005-11/61
	27550	R657-5	AMD	01/15/2005	2004-24/38
	28081	R657-6	AMD	09/06/2005	2005-15/7
	28082	R657-6	5YR	07/08/2005	2005-15/49
	28168	R657-11	5YR	08/24/2005	2005-18/74
	27721	R657-12	AMD	04/15/2005	2005-6/24
	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
	27862	R657-15	AMD	07/05/2005	2005-11/63
	27863	R657-15	5YR	05/05/2005	2005-11/99
	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14
	27649	R657-33	AMD	03/04/2005	2005-3/36
	27751	R657-33-2	NSC	04/01/2005	Not Printed
	27551	R657-37	AMD	01/15/2005	2004-24/45
	28087	R657-37	AMD	09/06/2005	2005-15/15
	27552	R657-38	AMD	01/15/2005	2004-24/48
	28083	R657-42	AMD	09/06/2005	2005-15/20
	27553	R657-42-4	AMD	01/15/2005	2004-24/53
	27639	R657-47	REP	03/04/2005	2005-3/39
	27637	R657-47	NSC	03/04/2005	Not Printed
	27827	R657-55	NEW	06/01/2005	2005-9/38
<u>wildlife conservation</u> Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
<u>wildlife law</u> Natural Resources, Wildlife Resources	28168	R657-11	5YR	08/24/2005	2005-18/74
	27721	R657-12	AMD	04/15/2005	2005-6/24
	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>wildlife management</u>					
Natural Resources, Wildlife Resources	27862	R657-15	AMD	07/05/2005	2005-11/63
	27863	R657-15	5YR	05/05/2005	2005-11/99
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	27637	R657-47	NSC	03/04/2005	Not Printed
	27639	R657-47	REP	03/04/2005	2005-3/39
	27827	R657-55	NEW	06/01/2005	2005-9/38
<u>woodburning</u>					
Environmental Quality, Air Quality	27760	R307-207	NEW	09/02/2005	2005-7/16
	27760	R307-207	CPR	09/02/2005	2005-15/33
	28219	R307-302	5YR	09/07/2005	Not Printed
	27761	R307-302	CPR	09/02/2005	2005-15/34
	27761	R307-302	AMD	09/02/2005	2005-7/17
<u>workers' compensation</u>					
Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
	27894	R612-2-1	AMD	07/02/2005	2005-11/51
	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
	27899	R612-2-5	AMD	07/02/2005	2005-11/54
	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
<u>workers' compensation insurance</u>					
Insurance, Administration	27488	R590-231	CPR	05/20/2005	2005-8/50
	27488	R590-231	NEW	05/20/2005	2004-21/15
	27488	R590-231	CPR	05/20/2005	2005-3/55
<u>Workforce Investment Act</u>					
Workforce Services, Employment Development	28063	R986-600	AMD	08/16/2005	2005-14/69
<u>x-ray</u>					
Environmental Quality, Radiation Control	27991	R313-16	AMD	08/12/2005	2005-13/26