

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Editor

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

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TABLE OF CONTENTS

1. SPECIAL NOTICES

Governor, Administration: Governor's Declaration: Declaration of Agricultural Disaster	1
Governor, Administration: Governor's Executive Order 2007-0010: Creating the Utah Mine Safety Commission	2
Governor, Administration: Governor's Proclamation: Calling the Fifty-Seventh Legislature into a First Special Session.....	3

2. NOTICES OF PROPOSED RULES

Education

Administration

No. 30330 (Amendment): R277-437. Student Enrollment Options	6
No. 30331 (Amendment): R277-477-3. Distribution of Funds – Determination of Proportionate Share.....	8
No. 30332 (Repeal and Reenact): R277-607. Truancy Prevention	9

Environmental Quality

Air Quality

No. 30284 (Amendment): R307-415-4. Applicability.....	12
---	----

Radiation Control

No. 30298 (Amendment): R313-15. Standards for Protection Against Radiation	14
No. 30302 (Amendment): R313-19-100. Transportation.....	17
No. 30297 (Amendment): R313-22. Specific Licenses	20

Health

Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health

No. 30282 (Repeal): R388-801. AIDS Testing and Reporting for Emergency Medical Services Providers Rule	21
No. 30283 (Repeal): R388-802. HIV Positive Student or School Employee Rule.....	23

Labor Commission

Industrial Accidents

No. 30334 (Amendment): R612-2-5. Regulation of Medical Practitioner Fees	25
--	----

Pardons (Board Of)

Administration

No. 30321 (Amendment): R671-202. Notification of Hearings.....	27
No. 30322 (Amendment): R671-520. Treatment of Confidential Testimony	28
No. 30326 (Amendment): R671-522-1. Continuance Due to Pending Criminal Charges	28

TABLE OF CONTENTS

Public Safety

Fire Marshal

No. 30314 (Amendment): R710-6. Liquefied Petroleum Gas Rules29

School and Institutional Trust Lands

Administration

No. 30323 (Amendment): R850-30. Special Use Leases33

No. 30324 (Amendment): R850-80. Sale of Trust Lands38

Tax Commission

Auditing

No. 30328 (Amendment): R865-12L-9. Determination of Point of Sale or Use for Sellers and Purchasers Who Make Sales or Purchases From a Location Other Than a Fixed Place of Business in Utah Pursuant to Utah Code Ann. Section 59-12-20744

Motor Vehicle Enforcement

No. 30327 (Amendment): R877-23V-7. Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-21045

Property Tax

No. 30329 (Amendment): R884-24P-33. 2007 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-30148

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

Community and Culture

Arts and Museums

No. 30288: R207-1. Utah Arts Council General Program Rules56

No. 30287: R207-2. Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collections56

Health

Health Systems Improvement, Child Care Licensing

No. 30311: R430-3. General Child Care Facility Rules Inspection and Enforcement.....57

No. 30308: R430-6. Background Screening57

No. 30309: R430-30. Adjudicative Procedure58

No. 30310: R430-100. Child Care Centers58

Human Services

Child and Family Services

No. 30289: R512-1. Description of Division Services, Eligibility, and Service Access59

No. 30290: R512-2. Title IV-B Child Welfare/Family Preservation and Support Services and Title I-VE Foster Care, Adoption, and Independent Living59

No. 30291: R512-31. Foster Parent Due Process60

No. 30292: R512-40. Adoptive Home Studies, Recruitment, Approval60

No. 30293: R512-42. Adoption by Relatives61

<u>Labor Commission</u>	
Administration	
No. 30316: R600-2. Operations	61
Adjudication	
No. 30317: R602-1. General Provisions	61
No. 30318: R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims	62
Industrial Accidents	
No. 30320: R612-1. Workers' Compensation Rules - Procedures	62
<u>Natural Resources</u>	
Wildlife Resources	
No. 30313: R657-28. Use of Division Lands	63
<u>School and Institutional Trust Lands</u>	
Administration	
No. 30325: R850-100. Trust Land Management Planning	63
<u>Transportation</u>	
Operations, Maintenance	
No. 30296: R918-3. Snow Removal	64
Operations, Traffic and Safety	
No. 30306: R920-1. Manual of Uniform Traffic Control Devices	64
No. 30299: R920-3. Manual of Uniform Traffic Control Devices, Part VI	65
No. 30300: R920-4. Permit for Special Road Use or Event	65
No. 30301: R920-5. Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices	66
No. 30303: R920-6. Snow Tire and Chain Requirements	66
No. 30304: R920-50. Ropeway Operation Safety Rules	67
No. 30305: R920-51. Safety Regulations for Railroads	67
 4. NOTICES OF RULE EFFECTIVE DATES	 68
 5. RULES INDEX	 71

SPECIAL NOTICES

Governor's Declaration: Declaration of Agricultural Disaster

DECLARATION OF AGRICULTURAL DISASTER

WHEREAS, precipitation totals for the past several months have been minimal and created severe drought conditions in many areas of the state rendering crop and forage production unproductive for agricultural purposes;

WHEREAS, the U.S. Department of Agriculture's Drought Monitor classifies the drought conditions in the State of Utah as "Extreme and/or Exceptional";

WHEREAS, the below normal snow pack and spring runoff has created well below normal water levels in most areas of the state;

WHEREAS, many agricultural reservoirs throughout the state have not received adequate supplies of irrigation water resulting in low to non-existing levels in some areas;

WHEREAS, insect infestation, hot weather, hot dry winds, killing frost and fires in many areas of the state have exacerbated the drought conditions;

WHEREAS, many grazing lands that are normally available to livestock owners are not available, or do not offer adequate livestock feed,

WHEREAS, high forage and feed costs, as well as increased transportation costs, will weigh heavily on an industry already facing severe drought;

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 a "Statewide Agricultural Disaster" due to the aforesaid drought conditions 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 27th day of July, 2007.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

2007/0008

Governor's Executive Order 2007-0010: Creating the Utah Mine Safety Commission

EXECUTIVE ORDER

Creating the Utah Mine Safety Commission

WHEREAS, the State of Utah seeks to make certain those who work in underground mines are safe;

WHEREAS, the Crandall Canyon Mine disaster has raised questions about mine safety in Utah;

WHEREAS, the role of the State of Utah in mine safety and rescue efforts needs to be reviewed to determine whether the current level of participation in mine safety is appropriate or whether there are areas the State could be more involved.

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and laws of the State of Utah do hereby order the following:

1. There is created the Utah Mine Safety Commission:
 - a. Consisting of members who are appointed by and serve at the pleasure of the Governor;
 - b. The Division of Oil, Gas, and Mining in the Utah Department of Natural Resources will provide staff and budgetary support;
 - c. The Commission may seek expert assistance through recruitment of a volunteer technical advisory committee;
 - d. The Commission may conduct hearings in locations across the state deemed appropriate.
2. The commission shall:
 - a. Review the role of the State of Utah in the area of mine safety, including the safety inspection process, accident prevention, and accident response;
 - b. Review the Crandall Canyon Mine disaster and the State's role in mine safety leading up to the incident;
 - c. Assess the role of state and local government relative to the federal government and private industry in ensuring mine safety;
 - d. Examine how the State can assure itself that the Mine Health and Safety Administration (MHS) and private mining companies are doing everything reasonably possible to ensure the safety of Utah miners, their families, and their communities.
 - e. Recommend changes in the State's role for the future of mine safety and accident prevention;
 - f. Make policy recommendations, if appropriate, regarding how the State should promote mine safety, including any needed legislative changes at the state and/or federal levels.
3. Members of the Utah Mine Safety Commission serve without compensation. However, council members may be allowed meeting per diem, mileage, and travel reimbursements. All such reimbursements must be approved by the Executive Director of the Department of Natural Resources, and must be funded from the Department's existing budget.
4. Under current Utah law, the Commission will not have subpoena power or similar investigative authority, and, accordingly, will not be tasked with investigating the cause(s) of the Crandall Canyon Mine disaster or with determining any fault for its occurrence.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, this 27th day of August, 2007.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

2007/0010

Governor's Proclamation: Calling the Fifty-Seventh Legislature into a First Special Session

PROCLAMATION

WHEREAS, since the adjournment of the 2007 General Session of the Fifty-Seventh Legislature of the State of Utah, matters have arisen that require immediate legislative attention; and,

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

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Fifty-Seventh Legislature of the State of Utah into a First Special Session at the State Capitol Complex, in Salt Lake City, Utah, on the 22nd day of August 2007, at 10 a.m., for the following purposes:

1. To consider legislation modifying provisions related to the creation of a new school district;
2. To consider legislation regarding equalization of funding for school district capital outlay in counties of the first class;
3. To consider legislation providing for enhanced penalties for animal cruelty; and,
4. To consider a resolution approving Garfield County expansion of correctional facilities.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol Complex in Salt Lake City, Utah, this 16th day of August, 2007.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

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 2, 2007, 12:00 a.m., and August 15, 2007, 11:59 p.m. are included in this, the September 1, 2007, 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 between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. 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 1, 2007. 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 requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through December 30, 2007, 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 seven calendar days after the close of the public comment period 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 Section 63-46a-4; and 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.

Education, Administration
R277-437
 Student Enrollment Options

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE No.: 30330
 FILED: 08/15/2007, 15:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for greater flexibility in allowing students to transfer from one school district to another or within the student's resident school district.

SUMMARY OF THE RULE OR CHANGE: The amendments include changing the definition of instructional station from one that "has assigned" to "could assign" a class, teacher, or program during a given class period; tying school capacity to something more flexible than absolute numbers; requiring written justification for denial of transfer requests; and changing "may" to "shall" accept transfer requests for certain circumstances.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(b) and Sections 53A-2-207 through 53A-2-213

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There are no anticipated cost or savings to the state budget. The amendments to this rule affect school districts/schools and students and parents and do not require any additional state administration.
- ❖ LOCAL GOVERNMENTS: There may be some cost and/or savings to school districts. Greater flexibility may allow for more transfers resulting in more funding transfers. Any cost or savings are speculative.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses because the amendments to the rule affect school districts/schools and students and parents. There may be some cost to individuals who obtain student transfers for transportation costs for their own students.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendments to the rule only provide for greater flexibility in allowing student transfers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact to businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
 ADMINISTRATION
 250 E 500 S

SALT LAKE CITY UT 84111-3272, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.
R277-437. Student Enrollment Options.

R277-437-1. Definitions.

A. "Available school or program" means a school or program currently designated under this rule by a district as open to nonresident students.

B. "Average daily membership threshold" means 90 percent of the maximum capacity of a school.

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

D. "District of residence" means a student's school district of residence under Section 53A-2-201.

E. "Instructional station" means a classroom, laboratory, shop, study hall, or physical education facility to which a local board of education could reasonably assign a class, teacher or program during a given class period. For example, if two P.E. classes were assigned to meet in the gymnasium simultaneously, the gymnasium would represent two instructional stations.

F. "Nonresident district" means a school district other than the district of residence of the student in question.

G. "Nonresident student" means a student attending or seeking to attend a school other than the school of residence.

H. "Projected average daily membership" means the current year enrollment of a school as of October 1, adjusted for projected growth for the coming school year.

I. "Residual per student expenditure" means the expenditure based on the most recent State Superintendent's Annual Report according to the following formula:

(1) Take total expenditures before interfund transfer for:

(a) maintenance and operation;

(b) tort liability; and

(c) capital projects.

(2) Subtract from the sum of (1), above:

(a) resident district's taxes collected under the Minimum School Program;

(b) state revenue;

(c) federal revenue; and

(d) expenditures for site acquisition or new facility construction (new facility construction includes remodeling that increases building square footage or other major remodeling, if approved by the USOE Director of Finance).

(3) Divide the remainder of (1) and (2) above by the total student membership of the district as reported in the most recent State Superintendent's Annual Report.

J. "School capacity" or "maximum capacity" means the total number of students who could be served in a given school building if each of the building's instructional stations were to have the following enrollment:

(1) Elementary Schools: at least equal to the district's average class size for each particular grade;

(2) Middle, Junior, Senior High Schools: At least equal to the district's average class size for like classes; and

(3) instructional station capacity for laboratories, physical education facilities, shops, study halls, self-contained special education classrooms, facilities jointly financed by school districts and another community agency for joint use and similar rooms must be calculated individually. Capacity for self-contained special education classrooms shall be based upon students per class as defined by Board and federal special education standards. (The above standards are based in part upon Section 53A-17a-124.5)

K. "School of residence" means the school which a student would normally attend in the student's district of residence.

L. "Serious infraction of the law or school rules" means any behavior which could, under rules of the nonresident district in which enrollment is sought, subject a student to suspension for more than ten days or expulsion.

M. "USOE" means the Utah State Office of Education.

R277-437-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, by 53A-1-402(1)(b) which directs the Board to establish rules and minimum standards for access to programs and by 53A-2-207 through 213 which directs the Board to develop rules for student enrollment options.

B. The purpose of this rule is to provide: options for a student to attend public school within the student's district of residence whenever there is space available at the desired school; definitions relating to school choice; standards for transferring students; rules for participation in interscholastic competition; a form for students to use when applying for open enrollment; and an explanation for use of the form, "Application for Student to Attend School in Nonresident School or District," in seeking permission for a student to attend school in a school other than the school of residence.

R277-437-3. Local School Board and District Responsibilities.

A. Prior to November 30 of each school year a local board shall announce policies describing procedures for students to follow in applying to attend schools other than their respective schools of residence, and designate which schools and programs will be available for open enrollment during the coming school year.

(1) A local board shall designate each school which has a projected daily membership below the average daily membership threshold as available for open enrollment, and may designate schools as available even though projected daily membership exceeds threshold levels.

(2) If construction, remodeling, or other circumstances beyond the control of the local board do not reasonably permit the local board to make sufficiently accurate enrollment projections for a given school to determine whether the school should be designated as available for open enrollment for the coming year, the local board shall permit submission of enrollment applications for that school

during the application period and notify applicants that approval will be delayed until additional information is available.

(3) Whether applications are received for schools designated as open, or for schools for which the local board was unable to make a designation, the local board must give applicants written notification of acceptance or justification for the rejection of their applications, including standards outlined in Section 53A-2-208, by March 1 (for ~~new~~current nonresident students) or March 15 (for ~~current~~new nonresident students).

B. As required under Subsection 53A-2-210(2), a resident district shall pay to a nonresident district one-half of the resident district's residual per student expenditure for each resident student properly registered in the nonresident district.

C. A district shall allow an enrolled nonresident student to remain enrolled in the district, subject to the conditions noted under Subsections 53A-2-207(6) and (7), provided:

(1) if a nonresident student is to be excluded from continued enrollment in a school because current or projected resident student enrollment meets or exceeds maximum school capacities, and there is another school which the student could attend within the district which has not reached maximum enrollment, the nonresident student shall be given the opportunity to enroll in that school.

(2) nonresident students who must be relocated under Subsection (1) due to increased enrollment of resident students, and siblings of nonresident students who are currently attending a school within the district, shall have priority in enrollment over other nonresident students who are seeking enrollment in the district for the first time.

(3) a school district may designate the schools which students shall attend as they move from elementary school to middle school to high school. Attendance at a specific elementary, junior high or middle school does not guarantee attendance at a specific junior high or high school.

D. Each local board shall establish a procedure to consider appeals of any denial of initial or continued enrollment of a nonresident student under Subsection 53A-2-209(1).

E. A local board of education may limit open enrollment options ~~[when they negatively affect the capacity, programs, class size, grade levels or school buildings of the resident or the receiving school]~~ consistent with Section 53A-2-208(2)(a).

F. Notwithstanding the average daily membership threshold and maximum school capacity as defined in R277-437-1(B and J), a local board of education may allow nonresidents to enroll in schools other than their school of residence for reasons such as:

(1) enrollment is necessary to protect the health of the student as determined by a specific medical recommendation from a medical doctor;

(2) enrollment in a specific school is necessary to protect the emotional or physical safety of a student, based on documentation/evidence provided by the student's previous school, the parent(s)/guardian(s), a clinical psychologist who is tracking the student, or cumulative information;

(3) if a sibling currently attends that school; or

(4) if a parent/guardian is an employee of the school.

G. No student who currently resides in the school attendance area of a school within the district shall be displaced or excluded because of students transferring from outside the school attendance area.

H. Resident students of both a specific school and the district within which the school exists shall receive enrollment preference over nonresident students.

I. There shall be no presumption of eligibility for participation under Utah High School Activities By-laws or regulations for students transferring under R277-437-3F.

R277-437-4. Transportation.

A school district may transport its students to schools in other districts under Subsection 53A-2-210(3)(b)(i).

KEY: public education, enrollment options

Date of Enactment or Last Substantive Amendment: ~~May 19, 2005~~ **2007**

Notice of Continuation: January 5, 2004

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(1)(b); 53A-2-207 through 53A-2-213



Education, Administration

R277-477-3

Distribution of Funds – Determination of Proportionate Share

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30331

FILED: 08/15/2007, 15:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This section is amended to make the criteria for charter schools applying for School LAND Trust Program funds consistent with the criteria provided for in Rule R277-470, Charter Schools.

SUMMARY OF THE RULE OR CHANGE: The amended section provides for a committee consisting of a majority of parents designated to make decisions when applying for School LAND Trust Program funds.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-16-101.5(3)(c)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The changes apply to charter schools and provide criteria for composition of the committee designated to make decisions about the School LAND Trust funds.

❖ **LOCAL GOVERNMENTS:** The changes provide criteria for charter schools for composition of the committee designated to make decisions about the School LAND Trust funds. The potential amendment to the composition of the committee does not involve any cost or savings.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There are no anticipated costs or savings to small businesses and other persons. The changes apply to charter schools and provide criteria for composition of the committee designated to make decisions about the School LAND Trust funds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The changes provide criteria for charter schools for composition of the committee designated to make decisions about the School LAND Trust funds. Complying with the amended rule should not result in any cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-477. Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program.

R277-477-3. Distribution of Funds -- Determination of Proportionate Share.

A. Funds shall be distributed to school districts and charter schools as provided under Section 53A-16-101.5(3)(a). The distribution shall be based on the state's total fall enrollment as reflected in the audited October 1 Fall Enrollment Report from the previous school year.

B. Each school district and the USOE, with regard to charter schools and the USDB, shall distribute funds received under R277-477-3A to each school on an equal per student basis.

C. Local school boards and the USOE may adjust distributions, maintaining an equal per student distribution for school openings and closures and for boundary changes occurring after the audited October 1 Fall Enrollment Report of the prior year.

D. All public non-charter schools receiving funds shall have a school community council ~~[or a board designated to make school community council decisions, including elected parent members whose membership rotates,]~~ as required by Sections 53A-1a-108 ~~[and 53A-1a-511(4)(a)],~~ and a current school plan for enhancing or improving academic excellence consistent with Section 53A-16-

101.5 approved by the local school board~~[or State Charter School Board for state chartered schools]~~.

E. All charter schools shall have a committee consisting of a majority of parents elected from parents of students currently attending the charter school that is designated to make decisions about the School LAND Trust funds, and a current school plan for enhancing or improving academic excellence consistent with Section 53A-16-101.5 approved by the State Charter School Board for state chartered schools.

[E]E. The plan shall be electronically submitted to the USOE on the School LAND Trust website.

[E]G. All charter schools shall be considered collectively as a school district to receive a base amount under Section 53A-16-101.5(3)(a)(i).

[G]H. The USDB shall receive the average statewide per pupil base amount as the school's base allocation.

[H]I. In order to receive its allocation, a school shall satisfy the requirements of Section 53A-16-101.5(4-7).

[H]J. Plans shall include specific academic goals, steps to meet those goals, measurements to assess improvement and specific expenditures to implement plans that may include purchase of workbooks, textbooks, professional development, computer hardware and software, library and media supplies, or supplement funding for aides, teachers and specialists, and other tools for student academic improvement consistent with Section 53A-16-101.5(5).

[J]K. Income from the Interest and Dividends Account shall be distributed to school districts after the close of the state fiscal year as the USOE receives the funds in the Interest and Dividends Account within the Uniform School Fund.

[K]L. Each school board shall ensure timely distribution of the funds to eligible schools.

[L]M. In a year-end report, each local board shall provide to the USOE:

- (1) the names of schools and the funds distributed under this rule;
- (2) required school plan information as designated in R277-477-4;
- (3) a list of 10 percent of the district schools, or five schools implementing exemplary plans to be used to inform the public;
- (4) the date on which funds were made available to each school; and
- (5) the local school board of education meeting date(s) when School LAND Trust plans were approved.

[M]N. Funds not used in the school approved plan may be carried over by the school to the next school year and added to the School LAND Trust Program funds available for expenditure in that school the following year. Schools shall provide an explanation for any carry over that exceeds one-half of the school's allocation in the school plan or report.

[N]O. Funds from the School LAND Trust Program that are expended inconsistent with the requirements and academic intent of the law or inconsistent with the original school board/charter board approval shall be withheld by the USOE in subsequent years until the misappropriated funds have been restored.

[O]P. Schools serving only youth in custody may form committees and submit plans to the district serving the students. Youth in custody schools shall receive the same per pupil distribution as other schools in the district providing services.

[P]Q. Plans submitted by schools chartered by the State Charter School Board shall be reviewed and approved by each

charter school governing body and then submitted to the State Charter School Board for final approval.

[Q]R. Plans submitted by schools chartered by local school boards shall be reviewed and approved by the charter school and then submitted to the local school board for approval.

[R]S. Plans submitted by the USDB governing board shall be reviewed and approved by the State Superintendent or designee.

KEY: schools, trust lands funds

Date of Enactment or Last Substantive Amendment: ~~[March 6, 2006]~~2007

Notice of Continuation: November 23, 2005

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-16-101.5(3)(c); 53A-1-401(3)



Education, Administration R277-607 Truancy Prevention

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 30332

FILED: 08/15/2007, 15:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed/reenacted to provide for changes made to state law in H.B. 207, in the 2007 Legislature. Because the new language of the rule is significantly different from the language within the existing rule, the rule is being repealed/reenacted. (DAR NOTE: H.B. 207 (2007) is found at Chapter 82, Laws of Utah 2007, and was effective 04/30/2007.)

SUMMARY OF THE RULE OR CHANGE: This rule is being repealed and reenacted because of substantive differences between the old and new rule as follow: in the definitions, the definition of "Absence" has changed; the definition of "Habitual truant" has changed; several definitions are added including "Valid excuse", "Habitual truant citation", and "Truant". In Section R277-607-3, the new rule requires schools and charter schools to establish policies consistent with the new law. The old rule was more prescriptive in describing a local truancy policy. The new rule deletes sections on procedures and documentation and adds sections on school district, charter school responsibilities, and parent responsibilities.

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated cost or savings to the state budget. The changes to the rule only affect school districts/schools, and parents and students.

❖ **LOCAL GOVERNMENTS:** There should be no additional cost to school districts/schools. School districts/schools have been developing procedures for intervention and resolution to

student truancy issues for years in anticipation of this legislation.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There are no anticipated cost or savings to small businesses or other persons as a result of the changes to this rule. School districts/schools have been developing procedures for intervention and resolution to student truancy issues that involve parent involvement and participation for years in anticipation of this legislation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no additional cost to other persons as a result of the changes to this rule. School districts/schools have been developing procedures for intervention and resolution to student truancy issues that involve parent involvement and participation for years in anticipation of this legislation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-607. Truancy Prevention.

[R277-607-1. Definitions.

—A. "Absence" means a student's non-attendance at school for one school day or part of one school day.

—B. "Certified mail" means notification sent through the U.S. Post Office, that requires a signature of acceptance for the letter. A signed receipt notifies the sender that the letter was accepted.

—C. "Excused absence" means a student's absence from school for a reason identified by the school or district as reasonable such as:

- (1) illness;
- (2) medical appointments;
- (3) family emergencies;
- (4) death of family member or close friend;

—(5) family activity or travel, consistent with district/school policy.

—D. "Habitual truant" means a school aged minor who has received more than two truancy citations within one school year from the school in which the minor is or should be enrolled and eight absences without a legitimate or valid excuse or who, in defiance of efforts on the part of school authorities to resolve a student's attendance problems as required under Section 53A-11-103, refuses to regularly attend school or any scheduled period of the school day.

—E. "IEP team" means an local education agency representative, a parent, a regular and special education educator, and person qualified to interpret evaluation results, in accordance with the Individuals with Disabilities Education Act (IDEA).

—F. "Truancy citation" is a ticket issued in the truant's name under R277-609 or Section 53A-11-105(1). A truancy citation is issued by school designated individuals and may provide for administrative penalties, strict attendance by the student and monitoring by the school, or may be payable to the school or school district. Penalties or requirements that may result from a truancy citation shall be clearly stated in the school or district truancy policy.

—G. "Truancy fee schedule" means a uniform payment schedule set by a local school board consistent with R277-609-5.

—H. "Unexcused absence" means a student's absence from school for reasons other than those authorized under the school or district policy.

—I. "USOE" means the Utah State Office of Education.

R277-607-2. Authority and Purpose.

—A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Sections 53A-11-101 through 53A-11-105 which direct educational entities and designated agencies working on behalf of children to encourage compliance with the compulsory education law and regular school attendance for all students.

—B. The purpose of this rule is to establish consistent procedures for school districts in informing parents about compulsory education laws, encouraging and monitoring school attendance consistent with the law, and providing firm consequences for noncompliance. This rule encourages meaningful incentives for parental responsibility and directs districts to establish ongoing truancy prevention procedures in schools especially for students in grades 1-8.

R277-607-3. General Provisions.

—A. Local school boards shall develop a truancy policy consistent with this rule and 53A-11-101 through 53A-11-105 and shall review the policy annually.

—B. The local school board truancy policy shall be available for review by parents or interested parties upon request.

—C. Truancy citation fees are not subject to fee waivers provisions because truancy citations are similar to repayment for destruction of school property. Also, schools or districts shall provide reasonable and specific options in lieu of payment for truancy citations at parent/school meetings.

—D. If a student moves from one Utah school district to another Utah school district, truancy citations issued consistent with this rule may follow the student at the receiving school district's discretion.

— E. A truancy citation issued by law enforcement under Section 53A-11-105(1) may be viewed as a truancy citation in designating a student a habitual truant. If a district does so, the parent shall be notified of receipt of the citation, including a copy of the citation, in a timely manner.

— F. Districts shall prepare an annual fiscal year end report to be submitted to the USOE that includes:

- (1) copy of the district truancy policy required under Section R277-607-3A;
- (2) total number of students designated as habitual truants;
- (3) total number of students tracked or disciplined under the district's attendance/truancy policy;
- (4) total amount of funds collected, if any, by school from truancy citations; and
- (5) summary of program effectiveness.

R277-607-4. Procedures Toward the Designation of Habitual Truant Status.

— A. Prior to or no later than school registration, the parent(s) of all students in grades 1-12 shall be provided written notice from the school or district informing parents of Compulsory Education attendance laws and encouraging parental cooperation.

— (1) A student registering in the school district during the school year shall be provided written notice explaining the school and school district's compulsory education policy.

— (2) A student moving from one school to another within the same district may be provided written notice explaining the school and school district's compulsory education policy.

— B. Following two unexcused absences in a six week period, the individual designated by the school shall counsel the parent(s)/student as to the importance of school attendance and the legal implications of truancy.

— C. Following four additional unexcused or six excused absences in a subsequent six week period, the individual designated by the school shall contact the parent(s) and arrange for a meeting at the school or elsewhere to discuss the student's attendance problem.

— D. Following the seventh unexcused absence within a total 12 week period, a certified letter shall be sent requesting again the support of the parent(s) in resolving the attendance problems and outlining the requirements of Section 53A-11-103.

— E. The school shall continue to monitor school attendance following the first truancy citation. If appropriate, the student's curriculum or schedule may be adjusted.

— F. If there is an eighth unexcused absence within a total 14 week period, a second truancy citation shall be issued. Following the second truancy citation, prior to the referral to court, in a final attempt to prevent habitual truancy, the school shall schedule a pre-court hearing meeting with the second truancy citation for the parent and student. At the meeting, school personnel shall present final alternatives to court referral.

— G. Following the ninth unexcused absence, a third truancy citation shall be issued and the parent/student shall be notified that the student is a habitual truant. Referral to the appropriate County or District Attorney or Juvenile Court consistent with Section 53A-11-104(6) shall be made by the individual designated by the school/district.

— H. The school district may work with appropriate courts and personnel to develop procedures to track students and encourage school attendance.

— I. If students with disabilities under the Individuals with Disabilities Education Act (IDEA) or students protected under

Section 504/ADA of the Rehabilitation Act have excessive absences and fall within the criteria of this rule, the student's IEP team (IDEA) or school team (Section 504) shall ensure that the procedures of this rule apply consistent with state and federal law and regulations.

— J. The parent shall have the right to appeal a truancy citation consistent with district administrative policy and time limits established by the district policy and legal due process.

R277-607-5. Documentation and Variances.

— A. When a student is referred to court as a habitual truant, the school/district shall make a recommended disposition to the court which shall include:

- (1) documentation of attendance and academic achievement;
- (2) documentation of school efforts to improve attendance;
- (3) copies of truancy citations, including all mailing certificates; and
- (4) student background as requested by the prosecuting agency.

— B. Copies of truancy citations shall be retained in the student's permanent record.

— C. A school district may develop a truancy policy that varies from this rule, but that is consistent with Section 53A-11-101 through 105 and the intent of the law and this rule.

— (1) Timelines and numbers of absences between citations may vary, but basic due process requirements of notice to parents of the policy, notice as discipline or consequences progress and an opportunity to appeal disciplinary measures, as appropriate, shall be provided for in the policy.

— (2) Districts may have different policies for elementary, middle/junior high and high schools so long as basic due process requirements are satisfied.]

R277-607-1. Definitions.

A. "Absence" means a student's non-attendance at school for one school day or part of one school day.

B. "Habitual truant" means a school-age minor who:

- (1) is at least 12 years old;
- (2) is subject to the requirements of Section 53A-11-101.5; and
- (3)(a) is truant at least ten times during one school year; and
- (b) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53A-11-103.

C. "Habitual truant citation" is a citation issued only consistent with Section 53A-11-101.7.

D. "IEP team" means an local education agency representative, a parent, a regular and special education educator, and person qualified to interpret evaluation results, in accordance with the Individuals with Disabilities Education Act (IDEA).

E. "Truant" means absent without a valid excuse.

F. "Unexcused absence" means a student's absence from school for reasons other than those authorized under the school or district policy.

G. "USOE" means the Utah State Office of Education.

H. "Valid excuse" means an excuse for an absence from school consistent with Section 53A-11-101(a) and may include:

- (1) illness;
- (2) family death;
- (3) approved school activity;
- (4) excuse consistent with student's IEP, Section 504 accommodation plan, or a school/school district valid excuse definition.

R277-607-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Sections 53A-11-101 through 53A-11-106 which direct educational entities and parents working on behalf of children to encourage compliance with the compulsory education law, school attendance for all students, and cooperation in these important efforts.

B. The purpose of this rule is to direct schools/school districts and charter schools to establish procedures for:

- (1) informing parents about compulsory education laws;
- (2) encouraging and monitoring school attendance consistent with the law; and
- (3) providing firm consequences for noncompliance.

C. This rule encourages meaningful incentives for parental responsibility and directs school districts and charter schools to establish ongoing truancy prevention procedures in schools especially for students in grades 1-8.

R277-607-3. General Provisions.

A. Each local school board and charter school board shall develop a truancy policy that encourages regular, punctual attendance of students, consistent with this rule and 53A-11-101 through 53A-11-105 and shall review the policy annually.

B. Local school boards and charter school boards shall annually review attendance data and consider revisions to policies to encourage student attendance.

C. The local school board and charter school board truancy policy shall be available for review by parents or interested parties.

D. Habitual truant citations may be issued to students consistent with Section 53A-11-101.7.

R277-607-4. School/School District and Charter School Responsibilities.

A. School districts and charter schools shall:

- (1) establish definitions not provided in law or this rule necessary to implement a compulsory attendance policy;
- (2) include definitions of approved school activity under Section 53A-11-101(9)(c) and excused absence to be provided locally under Section 53A-11-101(9)(e);
- (3) include criteria and procedures for preapproval of extended absences consistent with Section 53A-11-101.3; and
- (4) establish programs and meaningful incentives which promote regular, punctual student attendance.

B. School districts and charter schools shall include in their policies provisions for:

- (1) notice to parents of the policy;
- (2) notice to parents as discipline or consequences progress; and
- (3) opportunity to appeal disciplinary measures.

C. School districts and charter schools shall establish and publish procedures by which school-age minors or their parents may contest notices of truancy.

R277-607-5. Parent Responsibilities.

Parents of school-age minors shall cooperate with school boards and charter school boards to secure regular attendance at school by school-age minors for whom they are responsible.

KEY: compulsory education, truancy

Date of Enactment or Last Substantive Amendment: [~~March 3, 2000~~2007]

Notice of Continuation: November 5, 2004

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-11-101 through 53A-11-105

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Environmental Quality, Air Quality **R307-415-4** Applicability

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30284

FILED: 08/03/2007, 09:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendment is to update Section R307-415-4 to match changes in federal regulations and to remove an outdated cross-reference.

SUMMARY OF THE RULE OR CHANGE: The Utah Air Quality Board proposes to revise Section R307-415-4 to match changes in federal regulations and to remove an outdated cross-reference. Section R307-415-4 specifies applicability of the Title V permitting program in Utah. In Subsections R307-415-4(1)(b) and (c), the program is applied to all sources, including area sources subject to a New Source Performance Standard (NSPS), National Emission Standard for Hazardous Air Pollutants (NESHAP) or Maximum Achievable Control Technology (MACT) standard. EPA has been promulgating NSPS and MACT rules that specifically exempt area sources from Title V permitting obligations, beginning with the exemption of five area source categories in December 2005 (70 FR 75320, 12/19/2005). These particular exemptions were adopted into Subsection R307-415(2)(c) in 2006. EPA has continued to exempt area sources from Title V in subsequent NSPS and MACT rulemakings. It appears that this is EPA's chosen approach to implement its authority under Part 70 to exempt area sources from Title V. This presents two options for handling these regulations under Rule R307-415. The Board could modify Subsection R307-415-4(2)(c) each time EPA promulgates a new regulation containing the exemption language, or the Board could modify Subsection R307-415-4(2)(c) with a general exemption for area sources subject to any rule containing EPA's exemption.

The Board has chosen to propose the latter approach since it requires fewer resources and provides a more certain position for area sources. This approach to exempting sources also parallels the approach to including sources in Subsection R307-415-4(1). In addition the cross reference to Subsection R307-415-4(2) within Subsection R307-415-4(3)(b) was removed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-109.1 and 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no cost to the state budget because all costs for the operating permits program are covered by user fees.

❖ LOCAL GOVERNMENTS: Local governments in Utah are not known to operate any facilities affected by this change.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: SMALL BUSINESSES: The proposed change does not cause any costs or savings to small businesses at this time because their Title V status is not changed with this amendment. However, as exemptions are added to the existing federal regulations some sources may realize a small savings by the discontinuation of their emission fees with a corresponding reduction of the state budget. OTHER PERSONS: The proposed change does not cause any costs or savings to other persons at this time because their Title V status is not changed with this amendment. However, as exemptions are added to the existing federal regulations some sources may realize a small savings by the discontinuation of their emission fees with a corresponding reduction of the state budget.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change does not cause any additional costs to affected persons at this time because their Title V status is not changed with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Generally, the exempted sources emit small amounts of air pollutants, and their costs for participation in the operating permits program were small. Exempting them from the program removes those costs. Richard W. Sprott, Executive Director

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@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 10/01/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 9/19/2007 at 2:00 PM, DEQ Building, 150 N 1950 W, Main Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2007

AUTHORIZED BY: Cheryl Heying, Director

R307. Environmental Quality, Air Quality.**R307-415. Permits: Operating Permit Requirements.****R307-415-4. Applicability.**

(1) Part 70 sources. All of the following sources are subject to the permitting requirements of R307-415, and unless exempted under (2) below are required to submit an application for an operating permit:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(c) Any source, including an area source, subject to a standard or other requirement under Section 112 of the Act, Hazardous Air Pollutants, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Act, Prevention of Accidental Releases;

(d) Any Title IV affected source.

(2) Exemptions.

(a) All source categories that would be required to obtain an operating permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters, are exempted from the requirement to obtain a permit.

(b) All source categories that would be required to obtain an operating permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation, are exempted from the requirement to obtain a permit. For Part 70 sources, demolition and renovation activities within the source under 40 CFR 61.145 shall be treated as a separate source for the purpose of R307-415.

~~[(e) Certain area sources have been exempted from the requirement to obtain an operating permit under a subpart of 40 CFR Part 63. These include:~~

~~— (i) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry-Cleaning Facilities;~~

~~— (ii) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;~~

~~— (iii) 40 CFR Part 63, Subpart O, Ethylene Oxide Emission Standards for Sterilization Facilities;~~

~~— (iv) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning;~~

~~— (v) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.]~~

[(c) An area source subject to a regulation under Section 111 or 112 of the Act (42 U.S.C. 7411 or 7412) promulgated after July 21, 1992 is exempt from the obligation to obtain a Part 70 permit if:

— (i) the regulation specifically exempts the area source category from the obligation to obtain a Part 70 permit, and

— (ii) the source is not required to obtain a permit under R307-415-4(1) for a reason other than its status as an area source under the Section 111 or 112 regulation containing the exemption.

(3) Emissions units and Part 70 sources.

(a) For major sources, the Executive Secretary shall include in the permit all applicable requirements for all relevant emissions units in the major source.

(b) For any area source subject to the operating permit program under R307-415-4(1)~~[(or 2)]~~, the Executive Secretary shall include in the permit all applicable requirements applicable to emissions units that cause the source to be subject to the operating permit program.

(4) Fugitive emissions. Fugitive emissions and fugitive dust from a Part 70 source shall be included in the permit application and the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of source categories contained in the definition of major source.

(5) Control requirements. R307-415 does not establish any new control requirements beyond those established by applicable requirements, but may establish new monitoring, recordkeeping, and reporting requirements.

(6) Synthetic minors. An existing source that wishes to avoid designation as a major Part 70 source under R307-415, must obtain federally-enforceable conditions which reduce the potential to emit, as defined in R307-101-2, to less than the level established for a major Part 70 source. Such federally-enforceable conditions may be obtained by applying for and receiving an approval order under R307-401. The approval order shall contain periodic monitoring, recordkeeping, and reporting requirements sufficient to verify continuing compliance with the conditions which would reduce the source's potential to emit.

KEY: air pollution, environmental protection, operating permit, emission fees

Date of Enactment or Last Substantive Amendment: ~~September 7, 2006~~ **2007**

Notice of Continuation: July 13, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-2-104

◆ ————— ◆

Environmental Quality, Radiation Control **R313-15** Standards for Protection Against Radiation

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30298
FILED: 08/10/2007, 14:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add reporting requirements for radioactive material licensees possessing sources to be tracked by the U.S. Nuclear Regulatory Commission's National Source Tracking System. The tracking system is intended to provide greater security for larger radioactive material sources of specific isotopes. The U.S. Nuclear Regulatory Commission requires that all Agreement States (like Utah) comply with this program by November 2007.

SUMMARY OF THE RULE OR CHANGE: The definition of "nationally tracked source" is added to Section R313-15-2, and new reporting requirements are added in a new Section R313-15-1206. A new appendix is incorporated by reference in the definition in Section R313-25-2 (Appendix E of 10 CFR 20, 2007 ed.).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 10 CFR 20, 2007 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Since the rule change involves the implementation of a national source tracking system, the Division will have minimal involvement with this program. No impact to the state budget is anticipated.

❖ **LOCAL GOVERNMENTS:** No local government agency will be impacted by this rule change. No impact to local government budget is anticipated.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The only impact to small businesses will be to those businesses that will possess sources tracked by this system. The impact is expected to be minimal since the rules require affected businesses to report their inventory annually, or whenever their inventory of tracked sources changes. The costs incurred by the businesses would be related to their efforts to prepare and transmit the required reports. It is not possible to estimate a cost for each business because the number of tracked sources may vary from business to business.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons will be required to submit periodic reports to the National Source Tracking System of their radioactive source inventories. The only costs associated with this rule change would be related to the time and effort necessary to prepare and transmit the reports. The impact of the reporting requirement is expected to be minimal since affected persons are already required to maintain records of their source inventory, and affected persons have been providing this information for the past few years as part of an interim source tracking effort by the U.S. Nuclear Regulatory Commission.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The expected fiscal impact of affected businesses is minimal since the rule change formalizes similar reporting activities that these businesses have been performing for the past few years. Richard W. Sprott, Executive Director

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/19/2007

AUTHORIZED BY: Dane Finerfrock, Director

R313. Environmental Quality, Radiation Control.

R313-15. Standards for Protection Against Radiation.

R313-15-2. Definitions.

"Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of Appendix B of 10 CFR 20.1001 to 20.2402, 2001 ed., which is incorporated by reference.

"Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

"Assigned protection factor" (APF) means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

"Atmosphere-supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

"Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D, Days, of less than ten days, for Class W, Weeks, from ten to 100 days, and for Class Y, Years, of greater than 100 days. For purposes of these rules, "lung class" and "inhalation class" are equivalent terms.

"Constraint (dose constraint)" in accordance with 10 CFR 20.1003, 2001 ed., means a value above which specified licensee actions are required.

"Declared pregnant woman" means a woman who has voluntarily informed her employer, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

"Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

"Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work, results in an intake of one ALI. For purposes of these rules, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for 2,000 hours in a year. DAC values are given in Table I, Column 3, of

Appendix B of 10 CFR 20.1001 to 20.2402, 2001 ed., which is incorporated by reference.

"Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

"Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

"Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

"Filtering facepiece" (dust mask) means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

"Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

"Fit test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

"Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

"Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

"Inhalation class", refer to "Class".

"Labeled package" means a package labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation regulations 49 CFR 172.403 and 49 CFR 172.436 through 440, 2000 ed. Labeling of packages containing radioactive materials is required by the U.S. Department of Transportation if the amount and type of radioactive material exceeds the limits for an excepted quantity or article as defined and limited by U.S. Department of Transportation regulations 49 CFR 173.403(m) and (w) and 49 CFR 173.421 through 424, 2000 ed.

"Loose-fitting facepiece" means a respiratory inlet covering that is designed to form a partial seal with the face.

"Lung class", refer to "Class".

"Nationally tracked source" is a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix E of 10 CFR 20.1001 to 20.2402 (2007), which is incorporated by reference. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

"Negative pressure respirator" (tight fitting) means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

"Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these rules, "deterministic effect" is an equivalent term.

"Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

"Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

"Powered air-purifying respirator" (PAPR) means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

"Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

"Qualitative fit test" (QLFT) means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

"Quantitative fit test" (QNFT) means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

"Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

"Reference Man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health employees to standardize results of experiments and to relate biological insult to a common base. A description of the Reference Man is contained in the International Commission on Radiological Protection report, ICRP Publication 23, "Report of the Task Group on Reference Man."

"Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

"Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

"Self-contained breathing apparatus" (SCBA) means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

"Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these rules, "probabilistic effect" is an equivalent term.

"Supplied-air respirator" (SAR) or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

"Tight-fitting facepiece" means a respiratory inlet covering that forms a complete seal with the face.

"User seal check" (fit check) means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

"Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of five Gy (500 rad) in one hour at one meter from a radiation source or one meter from any surface that the radiation penetrates.

"Weighting factor" w_T for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

TABLE

ORGAN DOSE WEIGHTING FACTORS

Organ or Tissue	w_T
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30(1)
Whole Body	1.00(2)

(1) 0.30 results from 0.06 for each of five "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

(2) For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

R313-15-1206. Reports of Transactions Involving Nationally Tracked Sources.

Each licensee who manufactures, transfers, receives, disassembles, or disposes of a nationally tracked source shall complete and submit a National Source Tracking Transaction Report as specified in paragraphs (1) through (5) of this section for each type of transaction.

(1) Each licensee who manufactures a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The manufacturer, model, and serial number of the source;

(d) The radioactive material in the source;

(e) The initial source strength in becquerels (curies) at the time of manufacture; and

(f) The manufacture date of the source.

(2) Each licensee that transfers a nationally tracked source to another person shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The name and license number of the recipient facility and the shipping address;

(d) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(e) The radioactive material in the source;

(f) The initial or current source strength in becquerels (curies);

(g) The date for which the source strength is reported;

(h) The shipping date;

(i) The estimated arrival date; and

(j) For nationally tracked sources transferred as waste under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification of the container with the nationally tracked source.

(3) Each licensee that receives a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The name, address, and license number of the person that provided the source;

(d) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(e) The radioactive material in the source;

(f) The initial or current source strength in becquerels (curies);

(g) The date for which the source strength is reported;

(h) The date of receipt; and

(i) For material received under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked source.

(4) Each licensee that disassembles a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(d) The radioactive material in the source;

(e) The initial or current source strength in becquerels (curies);

(f) The date for which the source strength is reported; and

(g) The disassemble date of the source.

(5) Each licensee who disposes of a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The waste manifest number;

(d) The container identification with the nationally tracked source.

(e) The date of disposal; and

(f) The method of disposal.

(6) The reports discussed in paragraphs (1) through (5) of this section must be submitted by the close of the next business day after the transaction. A single report may be submitted for multiple sources and transactions. The reports must be submitted to the National Source Tracking System by using:

(a) The on-line National Source Tracking System;

(b) Electronically using a computer-readable format;

(c) By facsimile;

(d) By mail to the address on the National Source Tracking Transaction Report Form (NRC Form 748); or

(e) By telephone with followup by facsimile or mail.

(7) Each licensee shall correct any error in previously filed reports or file a new report for any missed transaction within 5 business days of the discovery of the error or missed transaction. Such errors may be detected by a variety of methods such as administrative reviews or by physical inventories required by regulation. In addition, each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against that licensee's data in the National Source Tracking System. The reconciliation must be conducted during the month of January in each year. The reconciliation process must include resolving any discrepancies between the National Source Tracking System and the actual inventory by filing the reports identified by paragraphs (1) through (5) of this section. By January 31 of each year, each licensee must submit to the National Source Tracking System confirmation that the data in the National Source Tracking System is correct.

(8) Each licensee that possesses Category 1 nationally tracked sources shall report its initial inventory of Category 1 nationally tracked sources to the National Source Tracking System by November 15, 2007. Each licensee that possesses Category 2 nationally tracked sources shall report its initial inventory of Category 2 nationally tracked sources to the National Source Tracking System by November 30, 2007. The information may be submitted by using any of the methods identified by paragraph (6)(a) through (6)(d) of this section. The initial inventory report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The manufacturer, model, and serial number of each nationally tracked source or, if not available, other information to uniquely identify the source;

(d) The radioactive material in the sealed source;

(e) The initial or current source strength in becquerels (curies); and

(f) The date for which the source strength is reported.

KEY: radioactive material, contamination, waste disposal, safety
Date of Enactment or Last Substantive Amendment: ~~May 13, 2005~~ 2007

Notice of Continuation: January 14, 2003

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108

◆ ————— ◆

**Environmental Quality, Radiation
Control
R313-19-100
Transportation**

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 30302
 FILED: 08/10/2007, 16:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this amendment is to modify Utah's Radiation Control rules to be compatible with federal requirements found in 10 CFR 71.

SUMMARY OF THE RULE OR CHANGE: The amendment incorporates modifications that had been made to federal regulations based on international transportation standards. In addition, the modifications include some changes to package requirements and the expansion of 10 CFR 71, Quality Assurance Requirements to Certificate of Compliance Holders.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 19-3-104(4) and 19-3-104(8)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 10 CFR Part 71 (2006)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule change may increase the workload of Division of Radiation Control (DRC) staff, but additional personnel are not being hired. Therefore, there is no cost or savings to the state budget.

❖ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local governments that hold licenses with the State of Utah. Local governments possess and ship licensed materials that will not be affected by this rule change.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no licensees in the State of Utah that manufacture packages for the shipment of radioactive materials. DRC does have licensees other than radiographers that may use Type B packages to ship radioactive materials. Since DRC does not specifically track the number of Type B packages in use by licensees, a determination regarding the additional costs or savings to the licensees cannot be determined. Slight modifications may be necessary to the licensee's transportation programs, but the costs associate with the modifications cannot be determined since costs will depend on the licensee's business practices.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since DRC does not specifically track the number of Type B packages in use by a licensee, a determination regarding the additional costs or savings to each licensee cannot be determined. Also, slight modifications may be necessary to the licensee's programs, but the costs associate with the modifications cannot be determined since costs will depend on the licensee's business practices.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Due to a lack of quantitative data it is not possible to describe the net value or impact of the proposed changes in terms of costs. Rick Sprott, Executive Director

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

ENVIRONMENTAL QUALITY
 RADIATION CONTROL
 Room 212
 168 N 1950 W
 SALT LAKE CITY UT 84116-3085, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gwyn Galloway at the above address, by phone at 801-536-4258, by FAX at 801-533-4097, or by Internet E-mail at galloway@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Dane Finerfrock, Director

R313. Environmental Quality, Radiation Control.**R313-19. Requirements of General Applicability to Licensing of Radioactive Material.****R313-19-100. Transportation.**

For purposes of Section R313-19-100, 10 CFR 71.0(c), 71.1(a), 71.3, 71.4, [71.12,] 71.13(a) and (b), 71.14(a), 71.15, [71.16] 71.17, 71.19(a), 71.19(b), 71.19(c), 71.20 through 71.23, 71.47, 71.83[; 71.85] through 71.89, 71.97, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, 71.127 through 71.137, and Appendix A to Part 71 ([2002]2006) are incorporated by reference with the following clarifications or exceptions:

(1) The exclusion of the following:

(a) In 10 CFR 71.4 the following definitions:

(i) "close reflection by water";

(ii) "licensed material";

(iii) "optimum interspersed hydrogenous moderation";

(iv) "spent nuclear fuel or spent fuel"; and

(v) "state."

(2) The substitution of the following date reference:

(a) "October 1, 2011" for "October 1, 2008".

(3) The substitution of the following rule references:

(a) "R313-36 (incorporating 10 CFR 34.31(b) by reference)" for "Sec. 34.31(b) of this chapter" as found in 10 CFR 71.101(g);

(b) "R313-15-502" for reference to "10 CFR 20.1502";

(c) "R313-14" for reference to "10 CFR Part 2 Subpart B";

(d) "Rule R313-32, 10 CFR Part 35." for reference to "10 CFR part 35";

(e) "R313-15-906(5)" for reference to "10 CFR 20.1906(e)";

(f) "R313-19-100(5)" for "Sec.71.5";

(g) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "subpart H of this part" or for "subpart H" except in 10 CFR 71.17(b), 71.20(b), 71.21(b), 71.22(b), 71.23(b);

(h) "10 CFR 71.0(c), 71.1(a), 71.3, 71.4, 71.17(c)(2), 71.20(c)(2), 71.21(d)(2), 71.83 through 71.89, 71.97, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "subparts A, G, and H of this part";

(i) "10 CFR 71.47" for "subparts E and F of this part"; and
(j) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "Sec. Sec. 71.101 through 71.137."

(4) The substitution of the following terms:

(a) "Executive Secretary" for:

(i) "Commission" in 10 CFR 71.0(c), 71.17(a), 71.20(a), 71.21(a), 71.22(a), 71.23(a), and 71.101(c)(1);

(ii) "Director, Division of Nuclear Safety, Office of Nuclear Security and Incident Response" in 10 CFR 71.97(c)(1), and 71.97(f)(1);

(iii) "Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001" in 10 CFR 71.97(c)(3)(iii);

(iv) "NRC" in 10 CFR 71.101(f);

(b) "Executive Secretary, the U.S. Nuclear Regulatory Commission, or an Agreement State" for "Commission" in 10 CFR 71.3;

(c) "The Governor of Utah" for:

(i) "the governor of a State" in 71.97(a);

(ii) "each appropriate governor" in 10 CFR 71.97(c)(1);

(iii) "the governor" in 10 CFR 71.97(c)(3);

(iv) "the governor of the state" in 10 CFR 71.97(e);

(v) "the governor of each state" in 10 CFR 71.97(f)(1);

(vi) "a governor" in 10 CFR 71.97(e);

(d) "State of Utah" for "State" in 71.97(a), 71.97(b)(2), and 71.97(d)(4);

(e) "the Governor of Utah's" for:

(i) "the governor's" in 10 CFR 71.97(a), 71.97(c)(3), 71.97(c)(3)(iii), 71.97(e), and 71.97(f)(1);

(ii) "governor's" in 10 CFR 71.97(c)(1), and 71.97(e);

(f) "Specific or general" for "NRC" in 10 CFR 71.0(c);

(g) "The Executive Secretary at the address specified in R313-12-110" for reference to "ATTN: Document Control Desk, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards" in 10 CFR 71.101(c)(1);

(h) "Each" for "Using an appropriate method listed in Sec. 71.1(a), each" in 10 CFR 71.101(c)(1);

(i) "The material must be contained in a Type A package meeting the requirements of 49 CFR 173.417(a)." for "The fissile material need not be contained in a package which meets the standards of subparts E and F of this part; however, the material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a)." as found in 10 CFR 71.22(a) and 71.23(a);

(j) "Licensee" for "licensee, certificate holder, and applicant for a COC"; and

(k) "Licensee is" for reference to "licensee, certificate holder, and applicant for a COC are."

(5) Transportation of licensed material

(a) Each licensee who transports licensed material outside the site of usage, as specified in the license issued by the Executive Secretary, the U.S. Nuclear Regulatory Commission or an Agreement State, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the U.S. Department of Transportation regulations in 49 CFR parts 107, 171 through 180, and 390 through 397 (2006), appropriate to the mode of transport.

(i) The licensee shall particularly note DOT regulations in the following areas:

(A) Packaging--49 CFR part 173: subparts A (49 CFR 173.1 through 49 CFR 173.13), B (49 CFR 173.21 through 49 CFR 173.40), and I (49 CFR 173.401 through 49 CFR 173.477).

(B) Marking and labeling--49 CFR part 172: subpart D (49 CFR 172.300 through 49 CFR 172.338); and 49 CFR 172.400 through 49 CFR 172.407 and 49 CFR 172.436 through 49 CFR 172.441 of subpart E.

(C) Placarding--49 CFR part 172: subpart F (49 CFR 172.500 through 49 CFR 172.560), especially 49 CFR 172.500 through 49 CFR 172.519 and 49 CFR 172.556; and appendices B and C.

(D) Accident reporting--49 CFR part 171: 49 CFR 171.15 and 171.16.

(E) Shipping papers and emergency information--49 CFR part 172: subparts C (49 CFR 172.200 through 49 CFR 172.205) and G (49 CFR 172.600 through 49 CFR 172.606).

(F) Hazardous material employee training--49 CFR part 172: subpart H (49 CFR 172.700 through 49 CFR 172.704).

(G) Security plans--49 CFR part 172: subpart I (49 CFR 172.800 through 49 CFR 172.804).

(H) Hazardous material shipper/carrier registration--49 CFR part 107: subpart G (49 CFR 107.600 through 49 CFR 107.606).

(ii) The licensee shall also note DOT regulations pertaining to the following modes of transportation:

(A) Rail--49 CFR part 174: subparts A through D (49 CFR 174.1 through 49 CFR 174.86) and K (49 CFR 174.700 through 49 CFR 174.750).

(B) Air--49 CFR part 175.

(C) Vessel--49 CFR part 176: subparts A through F (49 CFR 176.1 through 49 CFR 176.99) and M (49 CFR 176.700 through 49 CFR 107.720).

(D) Public Highway--49 CFR part 177 and parts 390 through 397.

(b) If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (a) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Executive Secretary, P.O. Box 144850, Salt Lake City, Utah 84114-4850.

[- (1) The substitution of the following:

(a) "Licensee" for reference to "licensee of the Commission";

(b) "Subsection R313-19-100(3)" for reference to "10 CFR 71.5";

(c) "Subsection R313-15-906(5)" for reference to "10 CFR 20.1906(e)"; and

(d) "Section R313-15-502" for reference to "10 CFR 20.1502".

(2) The exclusion of "certificate holder", "close reflection by water", "containment system", "conveyance", "licensed material", "maximum normal operating pressure", "optimum interspersed hydrogenous moderation", and "state" in 10 CFR 71.4.

(3) Transportation of licensed material:

(a) Each licensee who transports licensed material outside the site of usage, as specified in the license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the U.S. Department of Transportation (DOT) regulations in 49 CFR 170 through 189 (2002) appropriate to the mode of transport.

(i) The licensee shall particularly note DOT regulations in the following areas:

(A) Packaging--49 CFR 173.1 through 173.13, 173.21 through 173.40, and 173.401 through 173.476;

~~—(B) Marking and labeling—49 CFR 172.300 through 172.338, 172.400 through 172.407, 172.436 through 172.440, and 172.400 through 172.450;~~

~~—(C) Placarding—49 CFR 172.500 through 172.560 and Appendices B and C;~~

~~—(D) Accident reporting—49 CFR 171.15 and 171.16;~~

~~—(E) Shipping papers and emergency information—49 CFR 172.200 through 172.205 and 172.600 through 172.606;~~

~~—(F) Hazardous material employee training—49 CFR 172.700 through 172.704; and~~

~~—(G) Hazardous material shipper/carrier registration—49 CFR 107.601 through 107.620.~~

~~—(ii) The licensee shall also note DOT regulations pertaining to the following modes of transportation:~~

~~—(A) Rail—49 CFR 174.1 through 174.86 and 174.700 through 174.750;~~

~~—(B) Air—49 CFR 175;~~

~~—(C) Vessel—49 CFR 176.1 through 176.99 and 176.700 through 176.715; and~~

~~—(D) Public Highway—49 CFR 177 and 390 through 397.~~

~~—(b) If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (a) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Executive Secretary.~~

~~—(c) No person shall transport radioactive material or deliver radioactive material to a carrier for transport except as authorized in a general or specific license issued by the Executive Secretary or as exempted in R313-19-100(4).~~

~~—(4) Exemptions.~~

~~—(a) Common and contract carriers, freight forwarders and warehouse workers which are subject to the requirements of the U.S. Department of Transportation in 49 CFR 170 through 189 or the U.S. Postal Service in the U.S. Postal Service Domestic Mail Manual (DMM), Section C 023.9.0, and the U.S. Postal Service, are exempt from the requirements of R313-19-100 to the extent that they transport or store radioactive material in the regular course of their carriage for others or storage incident thereto. Common and contract carriers who are not subject to the requirements of the U.S. Department of Transportation or U.S. Postal Service are subject to the requirements of R313-19-100(3)(c) and other applicable requirements of these rules.~~

~~—(b) Any licensee is exempt from the requirements of R313-19-100 to the extent that the licensee delivers to a carrier for transport a package containing radioactive material having a specific activity not greater than 70 becquerel per gram (0.002 microcurie per gram).~~

KEY: license, reciprocity, transportation, exemptions

Date of Enactment or Last Substantive Amendment: ~~August 11, 2006~~ 2007

Notice of Continuation: October 5, 2006

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108

◆ ————— ◆

Environmental Quality, Radiation Control **R313-22** Specific Licenses

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30297

FILED: 08/10/2007, 14:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add a requirement for the serialization of sources containing radioactive material manufactured in Utah that need to be reported and tracked by the U.S. Nuclear Regulatory Commission's National Source Tracking System. The tracking system is intended to provide greater security for larger radioactive material sources of specific isotopes. The U.S. Nuclear Regulatory Commission requires that all Agreement States (like Utah) comply with this program by November 2007.

SUMMARY OF THE RULE OR CHANGE: The definition of "nationally tracked source" is added to Section R313-22-4, and a new requirement for the placing of a unique serial number on each sealed source containing radioactive material manufactured in Utah is added as the new Section R313-22-201. A new appendix is incorporated by reference in the definition in Section R313-22-4 (Appendix E of 10 CFR 20, 2007 ed.).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 10 CFR 20, 2007 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No impact to the state budget is anticipated since this requirement relates to a national source tracking system, and the Division will have minimal involvement with the system.

❖ **LOCAL GOVERNMENTS:** No local government agency will be impacted by this rule change. No impact to local government budget is anticipated.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There will be no financial impact from this rule for small businesses since there are currently no businesses in Utah that manufacture sources containing radioactive material.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is currently no one in Utah that manufactures sources containing radioactive material. If someone does decide to manufacture sources that would be tracked by this system, the requirement to mark each sealed source with a unique serial number would be no different than the source identification common practice that the industry has utilized for many years. Therefore, the compliance costs would be minimal for anyone subject to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Currently, no Utah business is affected by the proposed rule; therefore, the rule implementation will have no financial impact on business. Richard W. Sprott, Executive Director

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/19/2007

AUTHORIZED BY: Dane Finerfrock, Director

R313. Environmental Quality, Radiation Control.

R313-22. Specific Licenses.

R313-22-4. Definitions.

"Alert" means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by off-site response organizations to protect persons off-site.

"Nationally tracked source" is a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix E of 10 CFR 20.1001 to 20.2402 (2007), which is incorporated by reference. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

"Principal activities" means activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

"Site Area Emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by off-site response organizations to protect persons off-site.

R313-22-201. Serialization of Nationally Tracked Sources.

Each licensee who manufactures a nationally tracked source after October 19, 2007, shall assign a unique serial number to each nationally tracked source. Serial numbers must be composed only of alpha-numeric characters.

KEY: specific licenses, decommissioning, broad scope, radioactive materials

Date of Enactment or Last Substantive Amendment: [~~October 20, 2006~~2007

Notice of Continuation: October 5, 2006

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108



Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health **R388-801** AIDS Testing and Reporting for Emergency Medical Services Providers Rule

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 30282

FILED: 08/02/2007, 15:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The repeal of Rule R388-801 eliminates redundancy. The substance of the rule was moved to the Labor Code under Sections 34A-2-901 through 34A-2-905.

SUMMARY OF THE RULE OR CHANGE: The repeal of Rule R388-801 eliminates a redundant rule. This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-6a-9

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The procedures required under this rule have been followed and will continue to be followed. There will be no savings due to the fact that there will be no change in the procedures currently followed. There will be no additional costs because these procedures are currently in place.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local governments. The procedures required under this rule have been followed and will continue to be followed. There will be no savings due to the fact that there will be no change in the procedures currently followed. There will be no additional costs because these procedures are currently in place.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There are no anticipated costs or savings to other persons. The procedures required under this rule have been followed and will continue to be followed. There will be no savings due to the fact that there will be no change in the procedures currently followed. There will be no additional costs because these procedures are currently in place.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no costs or savings related to the repeal of this rule since the requirements of this rule will continue to exist under Section 34A-2-901.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no costs or savings related to the repeal of this rule since the requirements of this rule will continue to exist under Section R34A-2-901. David Sundwall, MD, Executive Director

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES;
HIV/AIDS, TUBERCULOSIS CONTROL/
REFUGEE 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:

Jennifer Brown at the above address, by phone at 801-538-6131, by FAX at 801-538-9913, or by Internet E-mail at jenniferbrown@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R388. Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health.

~~R388 801. AIDS Testing and Reporting for Emergency Medical Services Providers Rule.~~

~~R388 801-1. Authority and Purpose.~~

~~1. Authority The AIDS Testing and Reporting for Emergency Medical Services Providers Rule is established under authority of Section 26 6a-9.~~

~~2. Purpose To establish procedures for patient testing and reporting following a significant exposure of an emergency medical services provider.~~

R388 801-2. Definitions.

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

2. "Designated agent" means a person or persons designated by an agency employing or utilizing emergency medical services providers

as employees or volunteers to receive and distribute test results in accordance with this rule.

3. "Disease" means Acquired Immunodeficiency Syndrome, Human Immunodeficiency Virus (HIV) infection, or Hepatitis B antigen positivity.

4. "Emergency medical services (EMS) agency" means an agency, entity or organization that employs or utilizes emergency medical services providers as employees or volunteers.

5. "Emergency medical services provider" means Emergency Medical personnel as defined in Section 26 8a 102, a peace officer as defined in Section 53 13 101, local fire department personnel, or officials or personnel employed by the Department of Corrections or by a county jail, who provide prehospital emergency medical care for an emergency medical services agency either as an employee or as a volunteer.

6. "Patient" means any individual cared for by an emergency medical services provider, including but not limited to victims of accidents or injury, deceased persons, and prisoners or persons in the custody of the Department of Corrections.

7. "Receiving facility" means a hospital, health care or other facility where the patient is delivered by the emergency medical services provider for care.

8. "Significant exposure" means:

8.1. Contact of an emergency medical services provider's broken skin or mucous membrane with a patient's blood or bodily fluids other than tears or perspiration, or;

8.2. That a needle stick, or scalpel or instrument wound has occurred to the emergency medical services provider in the process of caring for a patient.

R388 801 3. Emergency Medical Services Provider Responsibility.

1. The EMS provider shall document and report all significant exposures to the receiving facility, the designated agent, and the department. The reporting process is as follows:

1.1. The exposed EMS provider shall complete the department Exposure Report Form (ERF) at the time the patient is delivered and provide a copy to a person at the receiving facility authorized by the facility to receive that form. In the event that the exposed EMS provider does not accompany the patient to the receiving facility, he may report the exposure incident, with information requested on the ERF, by telephone to a person authorized by the facility to receive that form. In this event, the exposed EMS provider shall nevertheless submit a written copy of the ERF within three days to an authorized person of the receiving facility.

1.2. The exposed EMS provider shall, within three days of the incident, also submit copies of the ERF to the designated agent and, by registered mail or in person, to the department.

1.3. The exposed EMS provider should retain a copy of the ERF for his own records, in the event that it is subsequently necessary to file a workers' compensation claim under Sections 26 6a 10 through 26 6a 14.

R388 801 4. Receiving Facility Responsibility.

1. The receiving facility shall establish a system to receive ERFs as well as telephoned reports from exposed EMS providers on a 24-hour per day basis. The facility shall also have available, within the receiving facility or on call, trained pre-test counselors for the purpose of obtaining consent and counseling of patients when HIV testing has been requested by EMS providers. The counselor shall contact the patient prior to release from the facility, or if the patient remains in the facility, contact shall be made within 24 hours.

— 2. Upon notification of exposure, the receiving facility shall request permission from the patient to draw a blood sample for HIV testing. In conjunction with this request, the patient must be advised of his right to refuse testing and be advised that if he refuses to be tested that fact will be forwarded to the department and the designated agent. Testing is authorized only when the patient, his next of kin or legal guardian consents to testing, with the exception that consent is not required from an individual who has been convicted of a crime and is in the custody or under the jurisdiction of the Department of Corrections, or if the patient is dead. If consent is denied, the receiving facility shall complete the ERF and send it to the department. If consent is received, the receiving facility shall draw a sample of the patient's blood and send it, along with the ERF, to the Utah Department of Health, Division of Laboratory Services for testing.

— 3. The receiving facility shall arrange for Hepatitis B testing according to standard procedures and report the result to the designated agent at the EMS agency.

R388-801-5. EMS Agency Responsibility.

— The EMS agency shall appoint a representative as designated agent to fulfill the responsibilities specified in these rules.

R388-801-6. Designated Agent Responsibility.

— 1. The designated agent, upon receipt of an ERF from the EMS provider, shall review the details regarding the significant exposure and recommend appropriate measures, if any, considering the most recent Centers for Disease Control guidelines, to EMS agency management.

— 2. The designated agent, upon receipt of the HIV test result from the department, shall immediately report the result, by case number, not name, to the exposed EMS provider.

— 3. The designated agent, upon receipt of the Hepatitis B test result from the receiving facility, shall immediately report the result to the exposed EMS provider.

— 4. The designated agent, upon receipt of refusal of testing, shall report that refusal to the EMS provider.

— 5. The designated agent shall maintain confidential records in conformance with Section 26-6a-7.

R388-801-7. Department Responsibility.

— 1. The department shall designate a representative or representatives in the Utah Department of Health, Division of Laboratory Services who shall receive the HIV blood sample with a copy of the ERF, conduct the test and report the test result to the Bureau of HIV/AIDS Prevention and Control, and return the copy of the ERF to the Bureau of HIV/AIDS Prevention and Control.

— 2. The department shall designate a representative(s) in the Bureau of HIV/AIDS Prevention and Control who shall:

— 2.1. Receive and process copies of all ERF's submitted by the EMS provider or receiving facility to the department;

— 2.2. Report refusals to test or the results of HIV testing, by case number, not name, to the designated agent; and

— 2.3. Report HIV test results to the patient and complete all post test counseling required by Chapter 6a, Title 26.

— 3. The department shall assess to the EMS agency with which the EMS provider is affiliated the actual cost of testing and post test counseling of the patient.

— 4. The department shall develop and make available a pre test counseling protocol to all receiving facilities.

R388-801-8. Confidentiality Responsibility.

— 1. Information concerning test results obtained under these rules that identify the patient shall be maintained strictly confidential by the hospital, health care or other facility that received or tested the patient, designated agent, EMS provider, EMS agency, and the department, except as provided by these rules. That information may not be made public upon subpoena, search warrant, discovery proceedings, or otherwise, except as provided by this chapter.

— 2. The information described in R388-801-8.1 may be released with the written consent of the patient, or if the patient is deceased or incapable of giving informed consent, with the written consent of his next of kin, legal guardian, or executor of his estate.

— 3. Information concerning test results obtained under the authority of these rules may be released in a way that no patient is identifiable.

R388-801-9. Penalties.

— Penalties for violation of R388-801 are prescribed under Sections 26-6a-7 and 26-23-6.

KEY: communicable diseases, AIDS

Date of Enactment or Last Substantive Amendment: September 1, 1996

Notice of Continuation: July 19, 2007

Authorizing, and Implemented or Interpreted Law: 26-6a]

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Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health

R388-802

HIV Positive Student or School Employee Rule

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 30283

FILED: 08/02/2007, 15:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The repeal of Rule R388-802 eliminates a redundancy between federal and state regulation. The Occupational Safety and Health Administration (OSHA) has since issued regulations whose purpose is to reduce or eliminate the possibility of an employee contracting any of a series of diseases that are spread through blood contact contained in 29 CFR Part 1910.

OSHA's regulations are more comprehensive and include blood-borne pathogens other than HIV such as Hepatitis B and C. The regulations are very specific regarding elements of the exposure control plan, precautions for employees, training documentation, and handling an exposure. All school employees should be following OSHA blood-borne pathogen standards when dealing with body fluids.

SUMMARY OF THE RULE OR CHANGE: The repeal of Rule R388-802 would eliminate redundancy. The requirements are covered in 29 CFR Part 1910. This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-30

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The procedures required under this rule have been followed and will continue to be followed. There will be no savings due to the fact that there will be no change in the procedures currently followed. There will be no additional costs because these procedures are currently in place.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local governments. The procedures required under this rule have been followed and will continue to be followed. There will be no savings due to the fact that there will be no change in the procedures currently followed. There will be no additional costs because these procedures are currently in place.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to other persons. The procedures required under this rule have been followed and will continue to be followed. There will be no savings due to the fact that there will be no change in the procedures currently followed. There will be no additional costs because these procedures are currently in place.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no costs or savings related to the repeal of this rule since the requirements of this rule will continue to exist in 20 CFR Part 1910.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses by repealing this rule. David Sundwall, MD, Executive Director

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES;
HIV/AIDS, TUBERCULOSIS CONTROL/
REFUGEE 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:

Jennifer Brown at the above address, by phone at 801-538-6131, by FAX at 801-538-9913, or by Internet E-mail at jenniferbrown@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R388. Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health.

~~R388-802. HIV Positive Student or School Employee Rule.~~

~~R388-802-1. Authority and Purpose.~~

~~1. The HIV Positive Student or School Employee Rule is established under authority of Section 26-1-30.~~

~~2. The purpose of R388-802 is to establish standards relating to HIV infection in the schools in order to (a) reduce the risk to susceptible individuals and (b) protect infected individuals against both unreasonable health risks and unnecessary restrictions in activities and associations.~~

~~R388-802-2. Definitions.~~

~~1. "Director" means the executive director of the Utah Department of Health.~~

~~2. "Employee" means anyone employed by a school or serving as a volunteer with the permission of a school.~~

~~3. "HIV" means human immunodeficiency virus.~~

~~4. "HIV Infection" is defined as an indication of the presence of human immunodeficiency virus (HIV) as detected by any of the following:~~

~~4.1. Presence of antibodies to HIV, verified by appropriate confirmatory tests.~~

~~4.2. Presence of HIV antigen.~~

~~4.3. Isolation of HIV.~~

~~4.4. Demonstration of HIV proviral DNA.~~

~~5. "Review committee" or "committee" means a group consisting of a school administrator, a representative from the local health department, the subject's physician, the subject or, in the case of a minor, the subject's parents or guardian. The committee is appointed and chaired by the school administrator.~~

~~6. "School" means a licensed or unlicensed public or private nursery school, preschool, elementary or secondary school, day care center, child care facility, family care facility, or head start program.~~

~~7. "School administrator" means the person designated by the superintendent to implement this rule.~~

~~8. "School board" means the board of education of an affected public school district or the governing body of an affected facility or program which is not part of a public school district.~~

~~9. "Student" means anyone enrolled in a school.~~

~~10. "Subject" means a person who is the focus of deliberations by a review committee.~~

~~11. "Superintendent" means the superintendent of an affected school district or the chief administrative officer of an affected school which is not part of a public school district.~~

~~R388-802-3. Confidentiality.~~

~~1. The identities or other case details of HIV infected subjects shall not be disclosed to any person other than the members of the review committee and the pertinent superintendent.~~

~~2. Penalties for violation of confidentiality are prescribed under Section 26-6-29.~~

R388-802-4. Anti-discrimination.

— 1. In the school setting, no person shall be discriminated against, or denied activities or associations, based solely upon a diagnosis of HIV infection except as permitted under this rule.

R388-802-5. Requirements for Determining if a Student or Employee Infected with HIV Should Remain in the Regular Classroom or Job Assignment.

— 1. Upon notification that a student or employee has been diagnosed with HIV infection, the school administrator shall convene a review committee.

— 2. A student or employee infected with HIV shall continue in his regular classroom or job assignment until a review committee can meet and formulate recommendations.

— 3. The committee shall review all pertinent information including current findings and recommendations of the United States Public Health Service, the American Academy of Pediatrics, and the Utah Department of Health; apply that information to the subject and the nature of activities and associations in which the subject is involved with the school; and establish written findings of fact and recommendations based upon reasonable medical judgments and other information concerning the following:

— 3.1. The nature of the risk of transmission of HIV relevant to the activities of the subject in the school setting;

— 3.2. The probability of the risk, particularly the reasonable likelihood that HIV could be transmitted to other persons by the subject in the school setting;

— 3.3. The nature and the probability of any health related risks to the subject;

— 3.4. If restrictions are determined to be necessary, what accommodations could be made by the school to avoid excessive limitations on activities and associations of the subject.

— 4. The review committee shall forward its findings and recommendations to the superintendent.

— 5. The school administrator will implement the recommendations without delay.

— 6. The school administrator shall immediately advise the subject or, in the case of a minor, the subject's parents or guardian, in writing, of the decision of the review committee and that continued participation in the school setting may result in exposure to other communicable diseases.

— 7. The school administrator shall review the committee's decision on a regular basis and may reconvene the committee if, in his opinion, the facts of the case have changed.

R388-802-6. Liability.

— Responsibility for continued participation in the classroom or job assignment, despite potential personal risk, shall be left to the discretion of the subject or, in case of a minor, the subject's parents or guardian.

R388-802-7. Appeal Process.

— 1. The superintendent or any member of the review committee may appeal the recommendation of the committee by submitting a written appeal within ten school days for students or ten working days for employees, after receiving notice of the committee's recommendations. If the appellant's concerns relate to medical issues, the appeal shall be submitted to the director, and the director, or designee, may order restrictions on the school related activities or associations of the subject or may stay implementation of the committee's recommendations. If the concerns relate to the school's

ability to provide an accommodation, the appeal shall be directed to the school board.

— 2. The appellant shall submit copies of any appeal to the director, the superintendent, and all other members of the review committee.

— 3. The director or the school board shall review the findings and recommendations of the committee and any additional information that the director or board finds to be pertinent to the question raised in the appeal, and shall render a final decision in writing within ten school days for students or ten working days for employees.

— 4. Copies of the decision shall be sent to the appellant, members of the review committee, and the superintendent.

— 5. The superintendent shall implement the decision without delay.

— 6. Judicial review of any decision rendered under this section by the director or the school board may be secured by persons adversely affected thereby by filing an action for review in the appropriate court of law.

R388-802-8. Special Procedures.

— 1. A superintendent may suspend a subject from school or school employment for a period not to exceed ten school days for students or ten working days for employees, prior to receiving the recommendation of a review committee if the superintendent determines that there are emergency conditions which present a reasonable likelihood that suspension is medically necessary to protect the subject or other persons.

— 2. If the subject is unable to obtain the services of a physician to serve on the review committee, the local health officer may appoint a licensed physician to provide consultation.

R388-802-9. Procedures for Handling Blood or Body Fluids.

— 1. Each school shall adopt routine procedures for handling blood or body fluids, including sanitary napkins, regardless of whether students or employees with HIV infections are known to be present. The procedures should be consistent with recommendations of the United States Public Health Service, the American Academy of Pediatrics, and the Utah Department of Health.

R388-802-10. Penalties.

— 1. Enforcement provisions and penalties for the violation or for the enforcement of public health rules, including R388-802, are prescribed under Section 26-23-6.

KEY: communicable diseases, AIDS, HIV

Date of Enactment or Last Substantive Amendment: 1989

Notice of Continuation: July 19, 2007

Authorizing, and Implemented or Interpreted Law: 26-1-30]

◆ ————— ◆

Labor Commission, Industrial Accidents R612-2-5 Regulation of Medical Practitioner Fees

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30334
FILED: 08/15/2007, 16:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To adopt, with modification, the 2007 federal Resource-Based Relative Value Schedule (RBRVS) and the 2007 American Medical Association CPT coding standards.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment updates the existing rule by incorporating the 2007 versions of the RBRVS and CPT. The amendment also assigns a relative value of \$45 for the evaluation and management of medical care provided to injured workers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-2-101 et seq., 34A-3-101 et seq., and 34A-1-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: National Centers for Medicare and Medicaid Services (CMS) for the Medicare Physician Fee Schedule (MPF) "Resource-Based Relative Value Scale" (RBRVS) 2007 edition; and the American Medical Association's CPT-4 2007 edition coding guidelines

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The proposed amendment will impose no additional administrative or enforcement costs on the state budget. The minimal increase in workers' compensation medical expense that will result from this amendment is unlikely to affect workers' compensation premiums. Consequently, the amendment will not result in any measurable increase in the state's cost of workers' compensation insurance.

❖ **LOCAL GOVERNMENTS:** The minimal increase in workers' compensation medical expense that will result from this amendment is unlikely to affect workers' compensation premiums. Consequently, the amendment will not result in any measurable increase in the local governments' cost of workers' compensation insurance.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The minimal increase in workers' compensation medical expense that will result from this amendment is unlikely to affect workers' compensation premiums. Consequently, the amendment will not result in any measurable increase in the cost of workers' compensation insurance for small businesses or other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Currently, workers' compensation benefits cost Utah employers and insurance carriers approximately \$200,000,000 per year. The proposed amendment will increase these costs by \$225,000, or approximately one-tenth of one percent.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The minimal increase to workers' compensation medical costs provided by this rule are relatively insignificant and unlikely to have any fiscal impact on the businesses subject to the rule. Sherrie Hayashi, Commissioner

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
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:

Joyce Sewell at the above address, by phone at 801-530-6988, by FAX at 801-530-6804, or by Internet E-mail at jsewell@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Sherrie Hayashi, Commissioner

**R612. Labor Commission, Industrial Accidents.
R612-2. Workers' Compensation Rules-Health Care Providers.
R612-2-5. Regulation of Medical Practitioner Fees.**

Pursuant to Section 34A-2-407:

A. The Labor Commission of Utah:

1. Establishes and regulates fees and other charges for medical, surgical, nursing, physical and occupational therapy, mental health, chiropractic, naturopathic, and osteopathic services, or any other area of the healing arts as required for the treatment of a work-related injury or illness.

2. Adopts and by this reference incorporates the National Centers for Medicare and Medicaid Services (CMS) for the Medicare Physician Fee Schedule (MPFS) "Resource-Based Relative Value Scale" (RBRVS), 200[6]7 edition, as the method for calculating reimbursement and the American Medical Association's CPT-4, 200[6]7 edition, coding guidelines. The non-facility total unit value will apply in calculating the reimbursement, except that procedures provided in a facility setting shall be reimbursed at the facility total unit value and the facility may bill a separate facility charge. The CPT-4 coding guidelines and RBRVS are subject to the Utah Labor Commission's Medical Fee Guidelines and Codes and the following Labor Commission conversion factors for medical care rendered for a work-related injury or illness, effective July 11, 200[6]7: (Conversion Rates below EFFECTIVE July 11, 200[6]7, to be used with the RBRVS procedural Unit value as per specialty.)

Anesthesiology \$41.00 (1 unit per 15 minutes of anesthesia);

Medicine E and M \$44.00;

Evaluation and Management Codes 99201-99204 and 99211-99214 \$45

Pathology and Laboratory 150% of Utah's published Medicare carrier;

Radiology \$53.00;

Restorative Services \$44.00, with Utah code 97001 and 97003 at a 1.5 relative value unit and Utah code 97002 and 97004 at a 1.0 of relative value unit.

Surgery \$37.00;

All 20000 codes, codes 49505 thru 49525 and all 60000 codes of the CPT-4 coding guidelines \$58.00.

3. Adopts and incorporates by this reference the Utah Labor Commission's Medical Fee Guidelines and Codes, as of July 11, 2006~~7~~. The Utah Medical Fee Guidelines and Codes can be obtained from the division for a fee sufficient to recover costs of development, printing, and mailing or can be downloaded at the Labor Commission's website at www.laborcommission.utah.gov/indacc/indacc.htm.

4. Decides appropriate billing procedure codes when disputes arise between the medical practitioner and the employer or its insurance carrier. In no instance will the medical practitioner bill both the employer and the insurance carrier.

B. Employees cannot be billed for treatment of their work-related injuries or illnesses.

C. Discounting from the fees established by the Labor Commission is allowed only through specific contracts between a medical provider and a payor for treatment of work-related injury or illness.

D. Restocking fee 15%. Rule R612-2-16 covers the restocking fee.

E. Dental fees are not published. Rule R612-2-18 covers dental injuries.

F. Ambulance fees are not published. Rule R612-2-19 covers ambulance charges.

KEY: workers' compensation, fees, medical practitioner

Date of Enactment or Last Substantive Amendment: ~~July 10,~~ 2007

Notice of Continuation: May 28, 2003

Authorizing, and Implemented or Interpreted Law: 34A-2-101 et seq.; 34A-3-101 et seq.; 34A-1-104



Pardons (Board Of), Administration **R671-202** Notification of Hearings

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30321
FILED: 08/15/2007, 10:50

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to this rule provide clarification for notification of hearings.

SUMMARY OF THE RULE OR CHANGE: The changes to this rule provide clarification for notification of hearings.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 77-27-7 and 77-27-9

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The amendments do not create a cost or savings as they are simply clarification notification of hearings for the state.

❖ LOCAL GOVERNMENTS: None--The amendments do not create a cost or savings for local government as they are simply clarification notification of hearings for the state.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The amendments do not create a cost or savings for small business as they are simply clarification notification of hearings for the state.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendments do not create a cost or savings for affected persons as they are simply clarification notification of hearings for the state.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have determined there is no fiscal impact on business associated with this amendment.
Curtis Garner, Chairman

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Curtis L Garner, Chairman

**R671. Pardons (Board of), Administration.
R671-202. Notification of Hearings.
R671-202-1. Notification.**

An offender will be notified of the date, time and place of the hearing at least seven calendar days in advance of any hearing where personal appearance is involved, except in extraordinary circumstances, and will be specifically advised as to the purpose of the hearing.

In extraordinary circumstances, the hearing may be conducted without the seven day notification, or the offender may waive this notice requirement.

~~A-p~~Public notice of hearings will also be posted one week in advance at the Board's offices.

Open public hearings are regularly scheduled by the Board at the various correctional facilities throughout the state.

KEY: parole, inmates

Date of Enactment or Last Substantive Amendment: ~~February 12, 2003~~ 2007

Notice of Continuation: July 25, 2007
Authorizing, and Implemented or Interpreted Law: 77-27-7; 77-27-9

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Pardons (Board Of), Administration
R671-520
Treatment of Confidential Testimony

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 30322
 FILED: 08/15/2007, 11:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule provides details of how confidential testimony will be treated at a board hearing.

SUMMARY OF THE RULE OR CHANGE: The changes clarify the processes to better define how the rule is implemented at a board hearing.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 77-27-5, 77-27-9, and 77-27-11

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--There is no cost or savings to the state generated by the changes to this rule because the amendment clarifies how the Board treats confidential information during hearings.

❖ **LOCAL GOVERNMENTS:** None--There is no cost or savings to local government generated by the changes to this rule because the amendment clarifies how the Board treats confidential information during hearings.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** None--There is no cost or savings to small businesses generated by the changes to this rule because the amendment clarifies how the Board treats confidential information during hearings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There is no cost or savings to affected persons generated by the changes to this rule because the amendment clarifies how the Board treats confidential information during hearings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have determined there is no fiscal impact on business associated with this amendment.
 Curtis Garner, Chairman

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PARDONS (BOARD OF)
 ADMINISTRATION
 Room 300
 448 E 6400 S

SALT LAKE CITY UT 84107-8530, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Curtis L Garner, Chairman

R671. Pardons (Board of), Administration.

R671-520. Treatment of Confidential Testimony.

R671-520-1. Treatment of Confidential Testimony.

Confidential testimony shall be admitted at an evidentiary hearing on an alleged parole violation under the following three-part procedure:

1. The State shall make a specific, written preliminary showing of good cause for the testimony to be received in camera.

2. Upon a finding of just cause for confidentiality, the Board shall conduct an in camera inspection of the witness, the proffered testimony, and any supporting testimony to determine:

a. the credibility and veracity of the witness;

b. the overall reliability of the testimony[witness] itself; and

c. whether[that] keeping the information confidential will [not] substantially impair the parolee's due process rights to notice of the evidence or to confront and cross-examine adverse witnesses.

If the Board is satisfied with these three aspects, it shall receive the testimony and give it whatever weight it considers appropriate. An electronic record shall be made of this in camera proceeding.

3. A summary of the testimony taken in camera shall be prepared for disclosure to the parolee, informing the parolee of the general nature of the testimony received in camera but without defeating the good cause found by the Board for treating the information confidentially. This summary shall be presented on the record at the public evidentiary hearing and the parolee shall be given an opportunity to respond.

KEY: parole, confidential testimony, hearings

Date of Enactment or Last Substantive Amendment: ~~January 1, 1999~~ 2007

Notice of Continuation: September 11, 2003

Authorizing, and Implemented or Interpreted Law: 77-27-5; 77-27-9; 77-27-11

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Pardons (Board Of), Administration
R671-522-1
Continuance Due to Pending Criminal Charges

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30326

FILED: 08/15/2007, 11:23

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to define how pending criminal charges are considered at Board hearings.

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule simplify the definition of how the board considers pending charges at a hearing.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 77-27-5, 77-27-9, and 77-27-11

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--There are no costs or savings created for the state by the changes to this rule because the rule clarifies continuances of cases pending criminal charges.
- ❖ LOCAL GOVERNMENTS: None--There are no costs or savings created for local government by the changes to this rule because the rule clarifies continuances of cases pending criminal charges.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--There are no costs or savings created for small businesses by the changes to this rule because the rule clarifies continuances of cases pending criminal charges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There are no costs or savings created for affected persons by the changes to this rule because the rule clarifies continuances of cases pending criminal charges.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have determined there is no fiscal impact on businesses associated with this amendment.
Curtis Garner, Chairman

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Curtis L Garner, Chairman

R671. Pardons (Board of), Administration.**R671-522. Continuances Due to Pending Criminal Charges.****R671-522-1. Continuances Due to Pending Criminal Charges.**

~~The board may, in its discretion, continue hearings to allow for adjudication of new criminal charges. [The Board will limit the continuance of hearings whenever possible. Every effort possible is to be made to avoid the continuance of hearings. This applies to all types of hearings, i.e., originals, rehearings, parole violation, and rescission hearings. Delays due to failure to prosecute a pending charge or due to late or missing information will not be accepted. Continuance will not be approved beyond 60 days without Board approval. Hearings will not be continued based on information suggesting that felony charges may be filed. If a felony charge has been filed and the case is actively being processed the scheduled Board hearing may be continued. Hearings will not be postponed for any pending misdemeanor cases except for parole violations where it has been verified that the charges have been filed and court action is moving forward. Hearings may be continued for up to 60 days to allow the Department of Corrections to complete Post Sentence Reports. Hearings will not be continued due to late or missing Therapy Progress Reports or other information unless the case has been routed to the Board and continued by the Board. Any case where a continuance has been granted will be reviewed a minimum of every 60 days for a status update and routed to the Board for reconsideration as needed based upon the Case Analyst's judgment.]~~

KEY: parole, continuing, hearings

Date of Enactment or Last Substantive Amendment: [November 19, 2003]2007

Notice of Continuation: September 11, 2003

Authorizing, and Implemented or Interpreted Law: 77-27-5; 77-27-9; 77-27-11



Public Safety, Fire Marshal

R710-6

Liquefied Petroleum Gas Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30314

FILED: 08/14/2007, 14:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Liquefied Petroleum Gas Board met on 07/27/2007, in a regularly scheduled Board meeting and voted unanimously to amend Rule R710-6 by adding the amendment that allows for a substitute examination or skills acquired for Heating, Ventilating, and Air Conditioning (HVAC) certification and an amendment that allows wire braid hose to be used on certain Liquefied Petroleum (LP) Gas dispensers.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments to Rule R710-6 are as follows: 1) in Subsections R710-6-4(4.4.7) and (4.4.8), the Board proposes to allow the Rocky Mountain Gas Association, Natural Gas Certification Exam, to be used as a substitute for the LP Gas HVAC examination or training received in an accepted apprenticeship program; and 2) in Subsection R710-6-8(8.6.8), the Board proposes to allow stainless steel wire braid hose of more than 36 inches in length to be used on vapor and liquid return lines only on dispensing systems of 1,000 gallon water capacity or less.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-305

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no aggregate anticipated cost or savings to the state budget because these proposed amendments do not effect the state budget. The addition of using the Natural Gas Certification examination and the usage of hose instead of copper on dispensing systems will not affect or alter the state budget.

❖ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local government because this proposed amendments do not effect local government. There is no effect on local government because this is a state government-operated program and does not affect local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There would be a cost of approximately \$20 for each installation to use the stainless steel wire braid hose over the normal installation of copper tubing for vapor and liquid return lines. The aggregate cost to small businesses would be approximately \$1,000. The use of stainless steel wire braid hose can be used in addition to the required copper tube if the hose is over 36 inches in length and if the owner wishes to do so. It is not a mandate and requirement to use stainless steel wire braid hose but an extra allowance if so desired.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost for affected persons would be approximately \$20 for the usage of stainless steel wire braid hose for vapor and liquid return lines on each LP Gas dispensing installation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be a fiscal impact on businesses for the usage of stainless steel wire braid hose of approximately \$20 per dispenser installation. The additional monies would be required if the owner wishes to use stainless steel wire braid hose rather than the copper tubing. It is a matter of convenience on the part of the system owner rather than a requirement. Scott T. Duncan, 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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-6. Liquefied Petroleum Gas Rules.

R710-6-4. LP Gas Certificates.

4.1 Application.

Application for an LPG certificate shall be made in writing to the Division. The application shall be signed by the applicant.

4.2 Examination.

Every person who performs any act or acts within the scope of a license issued under these rules, shall pass an initial examination in accordance with the provisions of this article.

4.3 Types of Initial Examinations:

4.3.1 Carburetion

4.3.2 Dispenser

4.3.3 HVAC/Plumber

4.3.4 Recreational Vehicle Service

4.3.5 Serviceman

4.3.6 Transportation and Delivery

4.4 Initial Examinations.

4.4.1 The initial examination shall include an open book written test of the applicant's knowledge of the work to be performed by the applicant. The written examination questions shall be taken from the adopted statute, administrative rules, NFPA 54, and NFPA 58.

4.4.2 The initial examination shall also include a practical or actual demonstration of some selected aspects of the job to be performed by the applicant.

4.4.3 To successfully complete the written and practical initial examinations, the applicant must obtain a minimum grade of seventy percent (70%) in each portion of the examination taken. Each portion of the examination will be graded separately. Failure of any one portion of the examination will not delete the entire test.

4.4.4 Examinations may be given at various field locations as deemed necessary by the Division. Appointments for field examinations are required.

4.4.5 As required in Sections 4.2 and 4.3 of these rules, those applicants that have successfully completed the requirements of the Certified Employee Training Program (CETP), as written by the National Propane Gas Association, and that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.

4.4.6 As required in Sections 4.2 and 4.3.6 of these rules, those applicants that have successfully completed the requirements in Code of Federal Regulations (CFR) 49, Parts 172.700, 172.704, 177.800 and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination

waived, after appropriate documentation is provided to the Division by the applicant.

4.4.7 As required in Sections 4.2 and 4.3.3 of these rules, those applicants that have successfully completed the Rocky Mountain Gas Association, Natural Gas Technician Certification Exam with a passing score, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.

4.4.8 As required in Sections 4.2 and 4.3.3 of these rules, those applicants that have successfully completed an apprenticeship program that teaches the installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship Training, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.

4.5 Original and Renewal Date.

Original LPG certificates shall be valid for one year from the date of issuance. Thereafter, each LPG certificate shall be renewed annually and renewals thereof shall be valid from for one year from issuance.

4.6 Renewal Date.

Application for renewal shall be made on forms provided by the Division.

4.7 Re-examination.

Every holder of a valid LPG Certificate shall take a re-examination every five years from the date of original certificate issuance, to comply with the provisions of Section 4.3 of these rules as follows:

4.7.1 The re-examination to comply with the provisions of Section 4.3 of these rules shall consist of an open book examination, to be mailed to the certificate holder at least 60 days before the renewal date.

4.7.2 The open book re-examination will consist of questions that focus on changes in the last five years to NFPA 54, NFPA 58, the statute, or the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the Board or Division.

4.7.3 The certificate holder is responsible to complete the re-examination and return it to the Division in sufficient time to renew.

4.7.4 The certificate holder is responsible to return to the Division with the re-examination the correct renewal fees to complete that certificate renewal.

4.7.5 As required in Section 4.7 of these rules, those applicants that have successfully completed the requirements in Code of Federal Regulations (CFR) 49, Parts 172.700, 172.704, 177.800 and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for re-examination waived, after appropriate documentation is provided to the Division by the applicant.

4.8 Refusal to Renew.

The Division may refuse to renew any LPG certificate in the same manner and for any reason that is authorized pursuant to Section 5.2 of these rules.

4.9 Inspection.

The holder of a LPG certificate shall submit such certificate for inspection, upon request of the Division or the enforcing authority.

4.10 Type.

4.10.1 Every LPG certificate shall indicate the type of act or acts to be performed and for which the applicant has qualified.

4.10.2 Any person holding a valid LPG certificate shall not be authorized to perform any act unless he is a licensee or is employed by a licensed concern.

4.10.3 It is the responsibility of the LPG certificate holder to insure that the concern they are employed by is licensed under this act.

4.11 Change of Address.

Any change in home address of any holder of a valid LPG certificate shall be reported by the registered person to the Division within thirty (30) days of such change.

4.12 Duplicate.

A duplicate LPG certificate may be issued by the Division to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the Division from the certified person. Such statement shall attest to the certificate having been lost or destroyed. If the original is found, it shall be surrendered to the Division within 15 days.

4.13 Contents of Certificate of Registration.

Every LPG certificate issued shall contain the following information:

4.13.1 The name and address of the applicant.

4.13.2 The physical description of applicant.

4.13.3 The signature of the LP Gas Board Chairman.

4.13.4 The date of issuance.

4.13.5 The expiration date.

4.13.6 Type of service the person is qualified to perform.

4.13.7 Have printed on the card the following: "This certificate is for identification only, and shall not be used for recommendation or advertising".

4.14 Minimum Age.

No LPG certificate shall be issued to any person who is under sixteen (16) years of age.

4.15 Restrictive Use.

4.15.1 No LPG certificate shall constitute authorization for any person to enforce any provisions of these rules.

4.15.2 A LPG certificate may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.

4.15.3 Regardless of the acts for which the applicant has qualified, the performance of only those acts authorized under the licensed concern employing such applicant shall be permissible.

4.15.4 Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a LPG certificate has qualified shall be permissible by such applicant.

4.16 Right to Contest.

4.16.1 Every person who takes an examination for a LPG certificate shall have the right to contest the validity of individual questions of such examination.

4.16.2 Every contention as to the validity of individual questions of an examination that cannot be reasonably resolved, shall be made in writing to the Division within 48 hours after taking said examination. Contentions shall state the reason for the objection.

4.16.3 The decision as to the action to be taken on the submitted contention shall be by the Board, and such decision shall be final.

4.16.4 The decision made by the Board, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

4.17 Non-Transferable.

LPG Certificates shall not be transferable to another individual. Individual LPG certificates shall be carried by the person to whom issued.

4.18 New Employees.

New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid LPG certificate for a period not to exceed 45 days from the initial date of

employment. By the end of such period, new employees shall have taken and passed the required examination. In the event the employee fails the examination, re-examination shall be taken within 30 days. The employee shall remain under the direct supervision of an employee holding a valid LPG certificate, until certified.

4.19 Certificate Identification.

Every LPG certificate shall be identified by a number, delineated as PE-(number). Such number shall not be transferred from one person to another.

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, Chapter 38, Section 3801.2 Permits. On line 2 after the word "105.7" add "and the adopted LPG rules".

8.5.2 IFC, Chapter 38, Section 3803.1 is deleted and rewritten as follows: General. LP Gas equipment shall be installed in accordance with NFPA 54, NFPA 58, the adopted LP Gas Administrative Rules, and the International Fuel Gas Code, except as otherwise provided in this chapter.

8.5.3 IFC, Chapter 38, Section 3809.12 is deleted and rewritten as follows: In Table 3809.12, Doorway or opening to a building with two or more means of egress, with regard to quantities 720 or less and 721-2,500, the currently stated "5" is deleted and replaced with "10".

8.5.4 IFC, Chapter 38, Section 3809.14 is amended as follows: Delete "20" from line three and replace it with "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, 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.

8.6.5 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:

8.6.5.1 Constructed of steel not less than four inches in diameter and filled with concrete.

8.6.5.2 Set with spacing not more than four feet apart.

8.6.5.3 Buried three feet in the ground in concrete not less than 15 inches in diameter.

8.6.5.4 Set with the tops of the posts not less than three feet above the ground.

8.6.6 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.

8.6.7 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.

8.6.8 NFPA, Standard 58, Section 6.22.3.13 is added as follows: On dispensing installations, 1000 gallon water capacity or less, where the dispensing cabinet is located next to the LP Gas container, stainless steel wire braid hose of more than 36 inches in length may be used on vapor and liquid return lines only. The hose shall be secured and routed in a safe and professional manner, marked with the date of installation, and shall be replaced every five years from that installation date.

8.6.8 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

Date of Enactment or Last Substantive Amendment: [~~March 12, 2007~~October 8, 2007]

Notice of Continuation: March 30, 2006

Authorizing, and Implemented or Interpreted Law: 53-7-305



**School and Institutional Trust Lands,
Administration
R850-30
Special Use Leases**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30323

FILED: 08/15/2007, 11:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: At the request of the Board of Trustees for the School and Institutional Trust Lands Administration, the agency has been reviewing its surface leasing program for ways to improve and streamline the processes for greater efficiency. The proposed rule changes are a result of this comprehensive review.

SUMMARY OF THE RULE OR CHANGE: Nine basic changes have been made to this rule. The changes are: 1) deletion of the "Unit Development Lease" category since this category is addressed in the Development Program rules; 2) lease rentals may be based on a value other than market value in certain instances; however the lease will contain a termination clause; 3) leases must now be review prior to the review date contained in the lease terms; 4) the index used to review leases will now include any index the agency deems appropriate; 5) the requirement to solicit competing applications may be waived if the director determines it would be in the best interests of the Trust Beneficiaries; 6) provisions prohibiting the leasing of trust lands in certain circumstances have been added; 7) certificates of deposit are no longer an acceptable form of bond; 8) lease amendments no longer need to be reviewed by the agency's Board of Trustees; and 9) provisions for the submission of Letters of Interest have been deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53C-1-302(1)(a)(ii), 53C-2-201(1)(a), and 53C-4-101(1); and Section 53C-4-202

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** It is anticipated that there could be some savings to the state based on the elimination of the requirement to solicit competing applications in some instances and the ability to use any index the agency deems appropriate when reviewing a lease. There is also a potential loss to the state in instances where the lease rentals are based on a value other than the market value.

❖ **LOCAL GOVERNMENTS:** The only instance where there would be any cost or savings to local government would be if local government were the applicant for a special use lease. The cost or savings would then be the same as to any other business or person.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** It is anticipated that there could be a small cost to small business and other persons due to the broadening of the use of any index by the agency for lease reviews. Also, the provision where Certificates of Deposit will no long be an acceptable form of bond could cause an increase in costs for obtaining proper bonding.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is anticipated that there could be some costs involved for affected persons to comply with the changes to this rule as they seek bonding other than Certificates of Deposit. There is also the possibility of increased costs to affected persons because of the broader range of indices that can be used to review leases. A temporary compliance cost might be the potential advance deposit that could be required from a person nominating a parcel for sale.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This updated version of the Special Use Leasing rules streamlines the process and should result in faster response times in the best cases; and at worst, should take no longer than the original rule set. It provides the Administration with additional flexibility to accommodate applicants and lessees. In addition, it now allows for less-than-market-value leasing of lands that would otherwise remain unleased, with the ability to terminate the agreement. This will allow businesses that otherwise could not afford to lease trust lands an opportunity under controlled circumstances. - 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:

Kim S. Christy at the above address, by phone at 801-538-5183, by FAX at 801-355-0922, or by Internet E-mail at kimchristy@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Kevin S. Carter, Director

R850. School and Institutional Trust Lands, Administration.

R850-30. Special Use Leases.

R850-30-100. Authorities.

This rule implements Sections 6, 8, 10, and 12 of the Utah Enabling Act, Articles X and XX of the Utah Constitution, and Sections 53C-1-302(1)(a)(ii) and 53C-4-101(1) which authorize the ~~Director~~ director ~~of the School and Institutional Trust Lands Administration~~ to ~~prescribe standards and conditions~~ establish criteria for the leasing ~~and development of surface resources on Trust Lands Administration~~ of trust lands.

R850-30-150. Planning.

~~Pursuant to Section 53C-2-201(1)(a), the Trust Lands Administration shall also undertake to complete the following planning obligations, in addition to the rule-based analysis and approval processes that are prescribed by this rule:~~ In addition to those other planning responsibilities described herein, the agency shall:

1. ~~To the extent required by the Memorandum of Understanding between the State Planning Coordinator and the School and Institutional Trust Lands Administration, submit the~~ Submit proposals to lease trust lands to ~~for review by~~ the Resource Development Coordinating Committee (RDCC) ~~unless the proposal is exempt from such review;~~ ~~and~~

2. ~~Evaluate of~~ Evaluate and respond to comments received through the RDCC process ~~;~~ and

3. ~~Evaluation of and response~~ Evaluate and respond to any comments received through the request for proposal process pursuant to R850-30-310 or the solicitation process ~~conducted~~ pursuant to ~~R850-30-500(2)(a) or R850-30-500(2)(b)~~ R850-30-500(2), as applicable.

R850-30-200. ~~Surface Leasing of Trust Lands Administration Lands.~~ Terms of Leases.

1. The agency may issue special use leases for ~~terms of up to 51 years for~~ surface uses of trust lands, excluding grazing, ~~on all school and institutional trust lands;~~ for terms of up to 51 years.

2. In exceptional cases, the agency may issue leases for a term of up to 99 years when it has been determined that such a term would be in the best interest of the trust beneficiaries.

3. The agency shall issue leases for the term most consistent with land management objectives found in R850-2. The term of a lease ~~will~~ shall not normally be for a period longer than specified below for a particular lease type.

- (a) Military: ~~ten~~ 10 years
- (b) Agricultural: 20 years
- ~~(c) Recreational: 20 years~~
- ~~(d)~~ (c) Telecommunications: 20 years
- ~~(e)~~ (d) Commercial: 51 years
- ~~(f)~~ (e) Industrial: 51 years
- ~~(g)~~ (f) Residential: 51 years
- ~~(h)~~ (g) Governmental (Other than Military): 51 years.

R850-30-300. ~~Classifications~~ Categories of Special Use Leases.

Special use leases are classified ~~either as standard or unit development special use leases.~~ Applications may be made ~~under~~ according to the following categories.

~~1. Standard~~
 — The standard classification may include the following uses:
 — (a) ~~1. Commercial: use of trust land for a restaurant, [Restaurant,] service station, boating facilities, motels, retail businesses and similar uses may be included in this category.~~

~~(b) 2. Industrial: [Testing] use of trust land for testing sites, mining or extraction facilities, manufacturing plants and similar uses may be included in this category.~~

~~(c) 3. Residential: [A lease on which the applicant intends, at the time of lease issuance, to establish] use of trust land for a private, permanent home and legal domicile may be included in this category.~~

~~(d) 4. Agricultural: [Crop] use of trust land for crop production, improved pasture lands, irrigation improvements and similar uses, excluding grazing, may be included in this category.~~

~~(e) Recreational: Outdoor sports, picnicking facilities, open space, conservation zones, recreational cabin sites;~~ ~~5. Telecommunications: use of trust land for the operation of towers and building for telecommunication purposes may be included in this category.~~

~~6. Governmental: use of trust land for water storage tanks, well sites, reservoirs, gun ranges and similar uses by a governmental agency may be included in this category.~~

~~2. Unit Development Special Use Lease~~
 — The unit development lease may be issued when the proposed land use requires a planning and decision process beyond the scope of the standard special use lease procedures.

R850-30-310. Requests for Proposals.

1. The agency may issue ~~requests~~ a request for proposals (RFP) for any lands on which the director has determined the potential for development exists.

2. A proposal submitted in response to the RFP may be for sale, lease, joint development, or exchange and shall receive protected records status until the director selects the preferred proposal.

3. Proposals ~~will~~ may be evaluated ~~on the~~ using the following criteria: ~~found in R850-30-500(2)(g);~~

- ~~(a) Income potential;~~
- ~~(b) Ability of proposed use to enhance adjacent trust lands;~~
- ~~(c) Proposed timetable for development;~~
- ~~(d) Ability of applicant to perform satisfactorily;~~
- ~~(e) Desirability of proposed use; and~~
- ~~(f) Any other criterion deemed appropriate by the director.~~

4. Requests for proposals shall be advertised ~~through publication of a notice at least once a week for three consecutive weeks in one or more newspapers of general circulation in the county where the subject property is located~~ pursuant to R850-30-500(2)(d) as well as any other advertising methods ~~which~~ the director determines will increase exposure of the subject property to qualified applicants. The advertisement shall indicate where a person interested in submitting a proposal may obtain an information packet.

5. Proposals shall contain a non-refundable application and review fee as specified in ~~R850-4~~ the RFP.

6. Applicants selected in an RFP process shall be exempt from ~~R850-30-500(2)(b) through R850-30-500(2)(e)~~ the application process set forth in R850-30-500.

R850-30-400. Lease Rates.

1. ~~[The agency shall receive at least fair market value for surface leases. Fair market value of the subject property shall be determined by the agency based upon a market analysis including:]~~ Lease rates shall be based on the market value and income producing capability of the subject property and may be determined by:

- ~~— (a) the income producing ability of the highest and best use of the property; and~~
 - ~~— (b) a market study of comparable values of similar properties.~~
2. Lease rates shall be based on fair market value. Lease rates may be determined by the agency by:

(a) multiplying the ~~[fair]~~ market value of the subject property by the current agency-determined interest rate~~[-];~~

(b) ~~the evaluation and use of comparable lease data, or [which may include percentage rent based on either net or gross income with a guaranteed minimum.]~~

(c) using either a fixed rate per acre or a crop-share formula for agricultural leases providing that the rental rate is customary and reasonable. ~~[The agency may require the lessee to acquire adequate crop insurance.]~~

2. ~~The agency may base lease rentals on a value other than the market value of the subject property, provided that the director determines such is in the best interest of the beneficiaries and provided that the lease contains a clause whereby the agency may terminate the lease prior to the end of the lease term.~~

3. ~~In addition to lease rental, the agency may require the payment of percentage rents.~~

~~[3-]4. The agency, pursuant to board policy, may [periodically] establish a minimum lease [rates for special use leases] rental based on the costs incurred in administering the leases, and a desired minimum rate of return.~~

~~[4-]5. [Rental] Lease Review Procedures and Rental Adjustments for Special Use Leases.~~

~~(a) Standard~~

~~i)(a) [Base rentals shall be adjusted as of the effective date specified in the respective lease through a lease review conducted by the agency. Any lease which is reviewed within one year of the effective date specified in the lease shall be deemed to have been reviewed timely and any adjustment in base rentals shall be as of the effective date.] Special use leases shall be reviewed by the agency as of the effective date specified in the respective lease and such review may result in an adjustment of base rental.~~

~~ii)(b) Adjustments in base rentals may be based upon changes in [the] market value including appreciation of the subject properties, changes in established indices, or other methods which may be appropriate and in the best interest of the trust beneficiaries. The determination of which method to use may be based upon an analysis of the cost effectiveness of performing the review.~~

~~iii)(c) When using established indices, the rate of adjustment shall be [the sum of] based on the indices established for the years involved in the review period, unless the rate of adjustment exceeds a maximum adjustment rate, or fails to reach a minimum rate of adjustment as specified in the respective lease. If no maximum adjustment rate or minimum rate of increase is specified in the lease, then the percent change will increase or decrease according to the above described rate of adjustment.~~

~~iv)(d) The index used in the review may be [composed of any or all of the components listed below, depending upon availability. The agency shall ascertain the percent change in index components annually and shall use this information to determine the percent of change to be required in the base rental of applicable leases.] the applicable~~

~~component of the CPI-U or any other index determined by the agency to be appropriate.~~

~~(A) Changes in assessed value for the most current year for the appropriate category of land as published by the State Tax Commission;~~

~~— B) The applicable component of the CPI-U;~~

~~— C) The applicable Implicit Price Deflators for the Gross National Product;~~

~~— D) Data from market analyses of comparable leases.~~

~~— v) A separate index shall be established for each of the following lease types:~~

~~— A) Commercial/industrial;~~

~~— B) Residential;~~

~~— C) Agricultural;~~

~~— D) Recreational.~~

~~— vi) For the purpose of this rule, the Military, Telecommunications, and Governmental lease types shall be adjusted using the Industrial Index.~~

~~— vii)(e) The adjusted rental amount as determined pursuant to this rule shall be rounded to the nearest number evenly divisible by \$10.~~

~~(b) Unit Development~~

~~Rental adjustments for unit development leases shall be based upon changes in the market value of the property or the applicable index as may be appropriate as determined by the agency.~~

~~(c) Suspension, Deferral, and Waiver of Lease Rental Adjustment]~~

~~(f) The director may suspend, defer, or waive the adjustment of base rentals in specific instances, [when justified by natural disasters or periods of economic crises,] based on a written finding that the suspension, deferral, or waiver is in the best interest of the trust beneficiaries.~~

R850-30-500. Application Procedures.

1. Applications for special use leases ~~[should]~~ shall indicate the appropriate lease category, as set forth in R850-30-300, ~~[be submitted pursuant to R850-3.]~~

2. ~~[Competitive Leasing] Solicitation of Competing Applications.~~

~~(a) The agency may advertise a parcel of land as open and available for lease.~~

~~i) The advertising shall be done pursuant to R850-30-500(2)(d) and R850-30-500(2)(e), as well as any additional advertising the director deems appropriate and shall be considered as a substitute for the competitive advertising process described in R850-30-500(2)(b).~~

~~ii) Applications received in response to agency advertising will be evaluated pursuant to R850-30-500(2)(g).~~

~~(b)(a) Upon acceptance by the director of [any] a completed special use lease application, the agency shall solicit competing lease applications and, if appropriate, sales applications. [If the subject parcel meets the established criteria for sale contained in R850-30-500(1), then applications to purchase shall also be solicited.] The solicitation of competing applications may be waived by the director based on a written finding that the waiver is in the best interest of the trust beneficiaries.~~

~~(c) The applicant may request an exemption from R850-30-500(2)(b) by petitioning the director to provide for rules exempting that particular class of applications from the competitive process. Pursuant to this rule,]~~

~~(b) [†] The following classes of leases are exempt from the requirements of R850-30-500(2):~~

~~i) Communication sites.~~

ii) Mineral and oil and gas extraction facilities when the agency does not own the mineral estate.

~~[(d)](c)~~ Competing applications ~~[will]~~ shall be solicited through publication of a notice at least once a week for three consecutive weeks in one or more newspapers of general circulation in the county ~~[in which the lease is offered;] where the subject property is located.~~

~~(d)~~ Copies of the notice shall be sent by certified mail ~~[-A]~~ at least 30 days prior to ~~[auction or acceptance of a bid, certified notification will be sent to -] the selection of the successful applicant to lessees/permittees of record[;] on the subject property and adjoining [permittees/lessees and adjoining -] and owners as shown on county records.~~

~~(e)~~ Notices ~~[will also be]~~ shall also be sent to the appropriate county authority in which the subject property is located with a request to have the notice posted in the local governmental administrative building or courthouses.

~~[(e)](f)~~ Notification and advertising shall include a general description of the parcel including township, range, and section, and any other information which may create interest in the parcel ~~[without violating] that does not violate the confidentiality of the initial application.~~ The successful applicant shall bear the cost of the advertising.

~~[(f)]~~ An applicant may claim that information provided to the agency on the initial application except for the legal description and the lease type should be protected under Section 63-2-304(1) or 63-2-304(2). The claimant shall submit a written request for protected records status pursuant to R850-6-500(3). The appropriate information shall receive protected records status during the competitive process. ~~[(g)]~~ The agency may solicit applications on trust lands when no application has been received by advertising a parcel pursuant to the process described in R850-30-500(2) or any other means, when in the best interest of the trust beneficiaries.

R850-30-510. Preferred Application Determination.

~~[(g)](1)~~ At the conclusion of the advertising and notification process conducted pursuant to ~~[R850-30-500(2)(b)]~~ R850-30-500(2), the agency ~~[shall review and select the preferred applicant]~~ may select the preferred application using either of the following processes. The director shall have full discretion to select which process to use:

(a) Sealed Bid Process.

i) The agency shall allow all applicants at least 20 days from the date of the agency's mailing of notice, as evidenced by the certified mail posting receipt (Postal Service Form 3800), within which to submit a sealed bid containing ~~[their]~~ a proposal to lease, purchase or exchange the subject parcel.

ii) The agency may reject those applications for which ~~[Applicants not submitting] a proposal is not submitted within the prescribed time period, [shall have their application(s) rejected.]~~

iii) ~~[The]~~ A sealed bid proposal for a lease shall contain the first year's rental unless such requirement is waived by the director. A sealed bid proposal for a sale shall contain funds in the amount of 10% of the offer to purchase, ~~[-as required by R850-80-600(1).]~~ These deposits are refundable if the applicant is not the successful applicant or if the applicant withdraws the application prior to ~~[the issuance of the record of] an agency decision.~~

iv) Competing ~~[bids]~~ proposals ~~[are]~~ may be evaluated using the following criteria:

A) Income potential~~[-];~~

B) Ability of proposed use to enhance adjacent ~~[state property;] trust lands;~~

C) Proposed timetable for development~~[-];~~

D) Ability of applicant to perform satisfactorily~~[-and];~~

E) Desirability of proposed use~~[-]; and~~

F) Any other criterion deemed appropriate by the director.

b. Negotiation Process.

~~[(i)](i)~~ The director or his designee may ~~[shall]~~ invite each qualified applicant or interested person to meet ~~[privately -] with the agency and present its proposal for the use of the subject property. The director or his designee may also invite persons [may request parties -] other than those responding to the initial solicitation to meet with the agency for the purpose of providing information or making a proposal.~~ The director shall have full authority to:

A) offer counter-proposals;

B) negotiate with any or all of the applicants or interested persons to create a proposal which best satisfies the objectives of R850-2-200;

C) terminate the negotiation process entirely; or

D) require the ~~[respondents -] applicants or interested persons to proceed through the process described in R850-30-500(2)[(g)(i)].~~

2. If the preferred application is for a lease, it shall be reviewed in accordance with R850-30-550. If the preferred application is for a sale, it shall be reviewed pursuant to R850-80-500. If the preferred application is for an exchange, it shall be reviewed pursuant to R850-90-200. ~~[The director shall consult with the board, pursuant to board policies in place at the time of the consultation or as amended at that time, prior to selecting a preferred applicant or applicants.]~~

~~[(h)]~~ The director shall select the preferred applicant based on R850-30-500(2)(g). If the preferred application is for a lease, it shall proceed through the review process as outlined in R850-30-500(5). If the preferred application is for a purchase, it shall be reviewed pursuant to R850-80-500. If the preferred application is for an exchange, it shall be reviewed pursuant to R850-90-200.

~~[(i)]~~ If a competing application received pursuant to R850-30-500(2) qualifies as a unit development lease as defined in R850-30-1100, the agency shall extend the sealed bid proposal deadline to 120 days.]

R850-30-550. Lease Determination Procedures.

1. The director shall not lease trust lands when such lease:

~~(a)~~ would be inconsistent with board policy or would not be in the best interest of the trust beneficiaries;

~~(b)~~ would create significant obstacles to future mineral development; or

~~(c)~~ would foreclose future development or management options which would likely result in greater long term economic benefit.

R850-30-600. Special Use Lease Provisions.

Each lease shall contain provisions necessary to ensure responsible surface management, including those provisions enumerated under Section 53C-4-202 and the following provisions: the rights of the lessee~~[-]; the rights reserved to the lessor, including the right to review the lease to ensure compliance with the terms and conditions of the lease;~~ the term of the lease; annual rentals and ~~[royalties;] percentage rents, if applicable;~~ reporting of technical and financial data; reservation for mineral exploration and development and other compatible uses; operation requirements; lessee's consent to suit in any dispute arising under the terms of the lease or as a result of operations carried on under the lease; procedures of notification; transfers of lease interest by lessee; terms and conditions of lease forfeiture; and protection of the state from liability ~~[from all] associated with the actions of the lessee on the subject property.~~

R850-30-800. Bonding Provisions.

1. At the time of initial lease payment, the lessee may be required to post with the agency ~~[a bond]~~performance, payment, and reclamation bonds in the form and amount and subject to any terms and conditions as may be determined by the agency to assure compliance with all terms and conditions of the lease.

2. ~~[All bonds posted on surface leases may be used for payment of all monies, rentals, and royalties due to the lessor, also for costs of reclamation and for compliance with all other terms and conditions of the lease, and rules pertaining to the lease.]~~The bond shall be in effect even if the lessee has conveyed all or part of the leasehold interest to a sublessee, assignee, or subsequent operator until the lessee fully satisfies the lease obligations, or until the bond is replaced with a new bond posted by the sublessee or assignee.

3. Bonds may be increased in reasonable amounts, at any time as the agency may order, provided lessor first gives lessee 30 days written notice stating the increase and the reason(s) for the increase.

4. Bonds may be accepted in any of the following forms at the discretion of the agency:

(a) Surety bond with an approved corporate surety registered in Utah[-];

(b) Cash deposit. ~~[However, Trust Lands Administration will]~~The agency shall not be responsible for any investment returns on cash deposits[-]; or

~~[(c) Certificate of deposit in the name of "School and Institutional Trust Lands Administration and lessee, c/o lessee's address", with an approved state or federally insured banking institution registered in Utah. The certificate of deposit must have a maturity date no greater than 12 months, be automatically renewable, and be deposited with the agency, the lessee will be entitled to and receive the interest payments. All certificates of deposit must be endorsed by the lessee prior to acceptance by the director.~~

~~—(d)]~~(c) Other forms of surety as may be acceptable to the agency.

R850-30-900. Lease Assignments and Subleases.

1. Any special use lease may be assigned or subleased to any person~~[- firm, association, or corporation]~~ or entity qualified to hold a lease on trust land, provided, however, that all assignments and subleases are approved by the ~~[agency]~~director; and no assignment or sublease is effective until approval is given. Any assignment or sublease made without such approval is voidable at the ~~[agency's]~~director's option.

2. An assignment or sublease shall take effect the day of the approval of the assignment or sublease. On the effective date of any assignment or sublease, the assignee or sublessee is bound by the terms of the lease to the same extent as if the assignee or sublessee were the original lessee, any conditions in the assignment to the contrary notwithstanding.

3. An assignment ~~[must]~~shall be a sufficient legal instrument, properly executed and acknowledged, ~~[and should clearly set forth]~~with the lease number, the land involved, and the name and address of the assignee, and the interest transferred clearly indicated.

~~[4.—An assignment shall be executed according to agency procedures.~~

~~—5.]~~4. Additional occupants of a telecommunication facility ~~[must]~~shall abide by all the requirements of this rule. In addition, the agency ~~[shall]~~may charge each communication site sublessee an amount based on the then current ~~[fair]~~market rental value of the premises, and such other factors as may reasonably bear upon the suitability of the sublessee as a tenant of the premises.

~~[6-]~~5. As a condition of the approval of an assignment or sublease the agency shall require:

(a) The assignee to accept the most current applicable lease form unless continuation of the existing form is clearly in the best interests of the trust beneficiaries[-]; and

(b) The ~~[lessee]~~assignee or sublessee to be ~~[acceptable]~~satisfactory to the ~~[lessor]~~agency.

R850-30-1000. Lease Amendments.

1. Special use leases ~~[issued using a competitive process]~~ may be amended as to the following terms and conditions ~~[with the lessee's consent, and with prior notice to the board,]~~ upon the payment of all appropriate processing and other charges, and based on a written finding that the amendment would be consistent with ~~[the school and institutional trust land management objectives found in]~~ R850-2.

(a) Purpose of the lease;

(b) Term of the lease;

(c) ~~[Rental or royalty amount]~~Rate of rental or percentage rent;

(d) ~~[Rental or royalty due date]~~Due date of rental or percentage rent; and

(e) Decrease or increase in contiguous acreage, provided that total amended acreage cannot exceed ~~[425%]~~150% of the original acreage. If the total amended acreage exceeds ~~[425%]~~150% of the original acreage, the amendment ~~[must]~~shall be advertised pursuant to R850-30-500(2).]

~~—2. Special use leases not issued using a competitive process may be amended as to the following terms and conditions with the lessee's consent, and with prior notice to the board, upon the payment of all appropriate processing and other charges, and based on a written finding that the amendment would be consistent with the school and institutional trust land management objectives found in R850-2.~~

~~—(a) Purpose of the lease;~~

~~—(b) Term of the lease;~~

~~—(c) Rental or royalty amount;~~

~~—(d) Rental or royalty due date; and~~

~~—(e) Decrease or increase in contiguous acreage, when the amendment to increase acreage is advertised pursuant to R850 30-500(2).]~~

[R850 30 1100. Unit Development Lease.

~~—The procedure provided below for unit development leases shall supersede any conflicting procedures found elsewhere in R850 30. All other non-conflicting rules in R850 30 shall apply to unit development leases.~~

~~—1. Applicant eligibility~~

~~—The unit development lease may be issued at the discretion of the agency when a complex relationship between numerous potential uses under the proposed lease indicate a planning and decision process requiring continuing agency involvement to facilitate trust management objectives. Parties continuing to have an interest in developing Trust Lands Administration lands after pre-application discussions with the agency may either file a letter of interest (R850 30 1200), or file an application for a unit development lease.~~

~~—2. Application procedure~~

~~—Individuals wishing to lease land under a unit development lease shall file the following material with the local agency office:~~

~~—(a) The appropriate application fee pursuant to R850 4.~~

~~—(b) A form, as specified by the agency, indicating tentative approval from city or county planning officials.~~

~~—(c) The applicant's public disclosure statement, as specified by the agency.~~

~~—(d) The applicant's Qualifications and Financial Responsibility Statement, as specified by the agency.~~

~~—(e) A preliminary development plan, as defined in R850-1-200(2).~~

~~3. Application Review and Acceptance~~

~~Upon receipt of an application, the agency will review the documents to determine completeness. Applicants submitting incomplete applications shall be allowed 60 days to provide the required data. Applications not remedied within the 60 day period shall be rejected with the application fee forfeited to the Trust Lands Administration. Upon acceptance of an application, the applicant shall have 120 days within which to submit a preliminary development plan. During this 120 day period, the agency shall solicit competing applications pursuant to R850-30-500(2)(b) and contract for an appraisal of the subject parcel. The appraisal shall divide the parcel into units of similarly valued lands and shall establish a specific value for each unit. The cost of this appraisal shall be borne by the ultimate lessee of the parcel. The agency will also notify those individuals or groups who have filed letters of interest.~~

~~4. Lease Approval~~

~~Upon acceptance of an application following the competitive process, the agency shall review the application and make a recommendation to the director to approve or deny the lease.~~

~~R850-30-1200. Letter of Interest.~~

~~1. Parties having a continued interest in developing a particular parcel of Trust Lands Administration land, but who are not ready to commence the development, may notify the agency by a letter of interest stating the nature of continued interest.~~

~~2. The letter of interest shall remain in effect for a period not to exceed two consecutive years. Prior to the expiration of the two-year period, the interested party will be advised that the letter of interest is about to expire and that the party has the opportunity to renew under the current rules and fees.~~

~~3. The interested party shall include an address which will be used by the agency for all correspondence with that party.~~

~~4. The interested party shall submit a non-refundable fee of \$100 for each contiguous tract which does not exceed 640 acres.~~

~~5. The right acquired by the fee paid is limited to the right to be notified by the agency as described in R850-30-1200(6).~~

~~6. When the agency receives an application for sale, lease, material permit or exchange for a parcel of land for which a current letter of interest is on file, the agency shall notify by certified mail all parties having letters of interest on file, regarding the subject property and the applicant.~~

~~7. Parties who have submitted a letter of interest shall have 30 days from the date the notification was sent in which to respond by submitting a competing application pursuant to R850-30-500(2). If no application is received from the party having filed a letter of interest, it will be assumed that the party has no further interest in the subject property.~~

KEY: administrative procedures, leases, trust land management, request for proposals

Date of Enactment or Last Substantive Amendment: ~~November 1, 2002~~ October 8, 2007

Notice of Continuation: June 27, 2007

Authorizing, and Implemented or Interpreted Law: 53C-1-302(1)(a)(ii); 53C-2-201(1)(a); 53C-4-101(1); 53C-4-202

◆ ————— ◆

**School and Institutional Trust Lands,
Administration
R850-80
Sale of Trust Lands**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 30324

FILED: 08/15/2007, 11:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: At the request of the Board of Trustees for the School and Institutional Trust Lands Administration, the agency has been reviewing its sales program for ways to improve and streamline the process. The proposed changes to the agency's sales rule are a result of the comprehensive review.

SUMMARY OF THE RULE OR CHANGE: Major changes to the sale program rules are: 1) all sales will be agency-initiated. Applications will no longer be accepted, but nominations will be considered; 2) persons nominating a parcel for sale may be required to submit a deposit in advance which will be used to offset certain costs in preparing the parcel for sale; 3) the sale of trust land will be prohibited in certain circumstances; 4) bids for less than the minimum acceptable price will not be accepted if the price has been disclosed; 5) if the successful bidder defaults on the down payment or other obligations, the property may be offered to the second highest bidder, upon approval by the director; and 6) procedures for limited types of agency-initiated sales, including over-the-counter sales and listings with realtors, have been deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53C-1-302(1)(a)(ii), 53C-2-201(1)(a), and 53C-4-101(1); Section 53C-4-102; Subsection 53C-4-202(6); Section 63-2-304; and Subsections 72-5-203(1)(a)(i) and 72-5-203(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** It is not anticipated that there will be any additional costs or savings to the state as a result of these rule changes. Previously, the agency recouped certain costs associated with preparing a parcel for sale at the time the parcel was sold. Under these rules changes, those same costs will be recouped prior to the sale because the persons nominating parcels for sale may be required to submit a deposit in advance to offset these costs. There won't be any additional cost or savings to the state as a result of these rule changes than what already existed under the previous rule.

❖ **LOCAL GOVERNMENTS:** Local government would not have any cost or savings as a result of these rule changes unless they were the entity nominating a parcel of trust land for sale. In that situation, they would encounter the same cost or savings as any other business or person.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** It is anticipated that there would be a savings of the \$250 application fee for small businesses or other persons to request that the agency sell a particular parcel of trust land.

Under the changes being made to this rule, the \$250 application fee will no longer be charged because the agency won't be accepting sale applications. However, persons nominating parcels, could potentially be required to submit a deposit to the agency in advance of the sale of the nominated parcel. This advance deposit would cover certain costs incurred by the agency in preparing the parcel for sale. If the person or business nominating the parcel is not the successful bidder at the auction, the advance deposit they paid would be refunded to them by the agency. If they the prevailing bidder at the sale, the advance deposit paid will be applied toward the closing costs on the parcel.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A potential compliance cost for affected persons could be the payment of an advance deposit to offset certain costs for preparing a parcel for sale, that may be required of the person nominating it. However, the deposit would be refunded if the person was not the successful bidder at the auction. If the nominating person was the successful bidder at the auction, the amount of the advance deposit would be credited against the closing fees. It is not anticipated that there would be any other compliance costs connected with these rule changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new rule set will save money for businesses since it no longer requires them to submit an application fee to purchase trust lands. Instead, the process will be driven by discussion and consultation. If the Administration determines to offer a parcel for sale, the applicant may be required to cover up-front costs, with the understanding that those costs will be reimbursed if another party prevails at the sale. In addition, parcels where the high bidder fails to close the sale may now be offered to the next high bidder without the burden of additional time and processing costs. 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:

Kim S. Christy at the above address, by phone at 801-538-5183, by FAX at 801-355-0922, or by Internet E-mail at kimchristy@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: Kevin S. Carter, Director

R850. School and Institutional Trust Lands, Administration.

R850-80. Sale of Trust Lands.

R850-80-100. Authorities.

This rule implements Sections 6, 8, 10, and 12 of the Utah Enabling Act, Articles X and XX of the Utah Constitution, and Subsections 53C-1-302(1)(a)(ii) and 53C-4-101(1) which authorize the [D]irector [of the School and Institutional Trust Lands Administration] to prescribe the terms and conditions for the sale of trust land. [~~and Subsection 72-5-203(2)(a) which directs the Administration to enact rules establishing a process by which responsible authorities may apply to convert permissive temporary easements or rights of entry to permanent easements or rights of entry.~~]

R850-80-150. Planning.

[Pursuant to Subsection 53C-2-201(1)(a), the Trust Lands Administration shall also undertake to complete the following planning obligations, in addition to the rule-based analysis and approval processes that are prescribed by this rule.] In addition to those other planning responsibilities described herein, the agency shall:

1. [To the extent required by the Memorandum of Understanding between the State Planning Coordinator and the School and Institutional Trust Lands Administration, submit the proposal for review by] Submit proposals for the sale of trust lands to the Resource Development Coordinating Committee (RDCC) unless the proposal is exempt from such review;

2. [Evaluation of and response] Evaluate and respond to comments received through the RDCC process; and

3. [Evaluation of and response to] Evaluate any comments received through the notice and advertising processes[solicitation process] conducted pursuant to R850-80-[400(1)]600 and R850-80-615.

R850-80-200. Sale of Trust Lands.

The agency may sell trust land[s] if the agency determines that the sale of the land would be in the best interest of the trust beneficiaries and provided that the land is sold for[at] no less than [the] fair market value. [~~if the agency determines that sale of the lands would be consistent with these rules and in the best interest of the trust beneficiaries.~~]

R850-80-250. [Determination of the Status]Evaluation of Temporary Easements,[and] Rights-of-Entry and Existing Rights of Record.

[4-]Prior to the sale of any trust land, the agency shall undertake the notification process set forth in [R850-80-250(2)]R850-40-250(2) to evaluate whether any temporary easement or right-of-entry [erected under Subsection 72-5-203(1)(a)(i)]exists on the subject property. [This evaluation shall not adjudicate the status of any highway crossing trust land that may have been established pursuant to any federal statute, such as R.S. 2477. Highways established in accordance with the requirements of federal law, including R.S. 2477, prior to the state taking title to the underlying property are recognized as valid existing rights.] The agency shall also evaluate the presence and impact of other valid existing rights of record on the subject property prior to sale, and take any appropriate steps to mitigate adverse impacts resulting from such rights.

[— 2. In order to determine the existence of a statutory temporary easement or right of entry on the subject property, the agency shall give notice to responsible authorities, as defined in Subsection 72-5-202(1), that the subject property is proposed for disposal through sale. This notice will permit any responsible authority asserting a temporary

easement or right of entry pursuant to Subsection 72-5-203(1)(a)(i) to file an application to make such temporary easement or right of entry permanent (the "application"). The application shall contain a description of the facts which lead the applicant to believe that a statutory temporary easement or right of entry exists on the subject property, and other information that may be required by the agency to verify the assertion. Notice shall be provided as follows:

—(a) Certified notice shall be mailed to the Attorney General and the executive body of the county in which the subject property is located. This notice shall include the legal description of the subject property proposed for sale and a map showing its location. The executive body of the county will have 90 days from the date of the notice within which to submit the application.

—(b) Notice to other responsible authorities who may have an interest in the subject property will be given through publication at least once a week for three consecutive weeks in one or more newspapers of general circulation in the county where the subject property is located. In addition to the legal description of the subject property being considered for sale, the advertisement shall put responsible authorities on notice that the agency may take action extinguishing the temporary easement or right of entry upon sale of the subject property. Other responsible authorities will have 90 days from the first date of publication within which to submit the application.

3. Upon the receipt of an application to convert a temporary easement or right of entry into a permanent property easement or right of entry, the agency will evaluate the request pursuant to the fiduciary responsibilities of the agency as described in Section 53C-1-302. A decision on whether or not to approve the application will be made at least 30 days prior to the sale of the subject property. Prior to the agency approving or rejecting an application, if any, the agency will review the supporting documentation submitted by the applicant. The agency shall consider material submitted by any responsible authority pursuant to the applicant's appropriate statutory authority. If no application is received after notice is given pursuant to R850-80-250(2), or if an application to make the temporary easement or right of entry permanent is not approved, the temporary easement or right of entry granted pursuant to Subsection 72-5-203(1)(a)(i) on the subject property will be extinguished upon the execution of a certificate of sale.

R850-80-300. Sales Initiation Process.

The sales process ~~[may]~~ shall be initiated by ~~[:]~~ an agency determination to evaluate the appropriateness of the sale of a particular parcel of trust land. The evaluation shall be undertaken in accordance with R850-80-500. In determining the appropriateness of a parcel of trust land for sale, the agency may consider nominations by interested parties.

—1. The acceptance of a completed application form pursuant to R850-3-400; or,

—2. A determination by the director that disposal of a parcel of property is timely and in the best interests of the trust land beneficiaries.

R850-80-400. ~~[Competitive Offering]~~ Sales Deposits.

If the agency evaluates a parcel of trust land for sale due to a nomination by an interested party, the person making such nomination may be required to deposit funds in an amount determined by the agency to be used to offset costs incurred in preparing the parcel for sale. In the event the person making the deposit is the successful purchaser of such land, the deposit shall be a credit against any fees charged by the agency to the purchaser for preparing the land for sale. In the event the person making the deposit is not the successful

purchaser of such land or the land is not offered for sale, the deposit shall be refunded.

—1. Upon acceptance of a lease or sale application, the agency shall solicit competing applications for lease, sale or exchange through commercially feasible means, including publication at least once a week for three consecutive weeks in one or more newspapers of general circulation in the county in which the sale is proposed. Certified notice that competing applications are being solicited shall be sent to lessees/permittees of record, adjoining lessees/permittees, and adjoining landowners at least 30 days prior to the selection of the successful applicant.

—2. Notification and advertising shall include a description of the location of the parcel and any other information which may create interest in the parcel. The successful applicant shall bear the cost of the advertising.

—3. The agency shall allow each applicant at least 20 days from the date of mailing of notice as evidenced by the certified mailing posting receipt (Postal Service form 3800), within which to submit a sealed bid containing their proposal for the subject parcel. Competing bids shall be evaluated using the criteria found in R850-30-500(2)(g), R850-80-500, and R850-90-200.

—4. The director shall select the preferred applicant. If the preferred application is for a lease, it shall proceed through the process as outlined in R850-30-500(5). If the preferred application is for a sale, it shall proceed through the process outlined in R850-80-500. If the preferred application is for an exchange, it shall be processed pursuant to R850-90-300.

—5. If any competing application received pursuant to R850-80-400 qualifies as a unit development lease as defined in R850-30-1100, the agency shall extend the sealed bid proposal deadline to 120 days.

R850-80-500. Sale Determination Procedures.

1. Preliminary Analysis

(a) The director ~~[may offer]~~ shall not offer trust land for sale~~;~~ without further market analysis or sale determination, trust lands which have been ~~] when:~~

i) ~~[designated for disposal in General Management Plans; or]~~ the subject property is appreciating in value at a rate in excess of the anticipated return from the investment of the principle;

~~—ii) offered for sale within the previous three years but not purchased;~~

~~—(b) The director may also offer for sale trust lands subject to market analysis and sale determination as provided in R850-80-500(2) and R850-80-500(3) when lands are not precluded from consideration under R850-80-500(1)(e).~~

~~—(c) The director shall not further consider an application for sale when:~~

~~—i) the sale results in an unmanageable or uneconomical parcel of trust land, or eliminates or materially restricts access to a remnant holding, without additional remuneration to cover any loss in value to the remnant parcel;~~

~~—ii) the land has been, or is intended to be designated for development pursuant to R850-140;~~

~~—iii) the director finds that withdrawing the parcel from public application to develop a marketing plan is justified by market trends or anticipated market demand in the area; or~~

~~—iv) the director finds that the sale may lead to development which may have a negative effect on the value, developability or marketability of any remaining land holdings.~~

~~] ii) there is no evidence of competitive market interest, unless the purpose of the sale is to test the market in a particular area;~~

iii) the sale would create obstacles to future mineral development on trust lands; or

iv) in the sole discretion of the director, it has been determined that the sale would foreclose future development or management options which would likely result in greater long term economic benefit.

2. Market Analysis

(a) The agency shall conduct a market analysis of a proposed sale of trust land which shall include an estimate of value. If the estimate of value is determined by an appraisal, the cost of the appraisal shall be borne by the successful purchaser. ~~[contract for an appraisal in accordance with agency specifications for the purpose of estimating the fair market value of the trust land. The cost of the appraisal shall be borne by the successful purchaser of the parcel. The agency will determine the minimum acceptable selling price of the subject parcel using the appraisal, the data in (b) below and any other information which is deemed relevant. The minimum acceptable selling price of the parcel, as determined by the agency, shall be provided protected records status pursuant to Subsection 63-2-304(1) or 63-2-304(7) until the sale is consummated, unless otherwise ordered by the director.]~~

(b) The market analysis may also include the evaluation of ~~[~~ agency shall conduct an economic analysis of the proposal, which shall include:

- ~~—~~ i) appraisal;
- ~~[~~ii)~~]~~ ii) real estate trends;
- ~~[~~iii)~~]~~ iii) market demand;
- ~~[~~iv)~~]~~ iv) opportunity costs including potential for appreciation; and
- ~~[~~v)~~]~~ v) associated management costs of retention.

3. Sale Determination

~~[If the market analysis conducted pursuant to R850-80-500(2) above indicates that the increase in income to the trust from leasing the parcel, or from retaining the parcel for appreciation purposes, can reasonably be expected to exceed the return to the trust beneficiaries from the sale of the parcel, the director shall deny the sale application.]~~ (a) The director may take into account any factor and circumstances deemed relevant, as well as any applicable policy adopted by the board, when making a determination as to whether to sell trust land. Prior to the sale of trust land, the agency shall take prudent and cost-effective actions to increase the value of the land.

(b) If a sale is determined to be appropriate, the agency shall determine the minimum acceptable selling price of the subject property, which minimum acceptable selling price shall not be less than fair market value. This determination may include information from any of the following:

- ~~—~~ i) the appraisal;
- ~~—~~ ii) the data gathered pursuant to R850-80-500(2); and
- ~~—~~ iii) any other information which the agency considers relevant.

(c) The minimum acceptable selling price shall be provided protected records status until the sale is consummated, unless otherwise ordered by the director.

R850-80-550. Methods of Sale.

~~[Upon authorization to sell trust land and related assets by the director pursuant to R850-80-300(2) or R850-80-500, the agency shall dispose of the land or assets using methods described below:]~~

The agency may sell land or assets using one of the methods described below:

1. A public sale pursuant to R850-80-~~[600]~~610, or
2. A negotiated sale pursuant to R850-80-620, ~~[to a party, either directly or using a broker or real estate marketing entity, after appropriate advertising of the proposed sale and 30 days prior written~~

~~notice to the board and affected beneficiary institutions describing the terms, reasons and other pertinent facts of the proposed sale. Board approval is required in any of the following situations:~~

- ~~—~~ (a) the value of the parcel exceeds \$100,000;
- ~~—~~ (b) the parcel to be sold exceeds 320 acres in size; or
- ~~—~~ (c) advertising brings forth additional interested purchasers.]

R850-80-600. Public Sale Notice and Advertising. ~~[Procedures.]~~

~~[1. If a sale is authorized pursuant to R850-30-500(2)(h) or R850-80-400(4), the applicant shall be required to submit an amount equal to 10% of the offer to purchase. This amount shall constitute the applicant's bid for the purchase of the parcel and shall be provided protected records status pursuant to Subsection 63-2-304(1) or 63-2-304(7) until sealed bids are opened at a subsequent auction. The applicant will be allowed to enter into oral bidding subject to R850-80-600(5).~~

~~2. All sales shall be advertised through publication at least once each week for three consecutive weeks in one or more newspapers of general circulation in the county in which the land is located. Notices shall also be posted in the local governmental administrative building or courthouse and other appropriate locations. This advertisement shall indicate when and where the sale will be held. It shall contain a general description of the parcel to be sold including township, range and section and a brief description of where the parcel is located. The advertisement shall also indicate the agency office where parties interested in purchasing the land can obtain more information.~~

~~3. At least 30 days prior to the sale, notice shall be sent by certified mail to each person who owns property adjoining the land proposed for sale.~~

~~4. In addition to the requirements of R850-80-600(2), the agency may advertise sales using commonly accepted methods to the extent which the director has determined may reasonably increase the potential for additional bidding at the sale. Applicant's deposit for advertising specified by R850-80-300(1) will not be used for additional advertising.]~~ At least 30 days prior to a public sale, notice shall be sent by certified mail to:

- ~~—~~ (a) the appropriate county authority in which the subject property is located with a request to have the notice posted in the governmental administrative building or courthouse and other appropriate locations;
- ~~—~~ (b) lessees/permittees of record on the subject property; and
- ~~—~~ (c) adjoining landowners as shown on county records.

~~2. The notice of sale shall include:~~

- ~~—~~ (a) the date, time, and location where the sale will be held;
- ~~—~~ (b) a general description of the subject property including township, range, and section and a brief description of the location of the subject property; and
- ~~—~~ (c) contact information of the agency office where interested parties can obtain more information.

~~3. The agency may advertise public sales using any other methods the director has determined may increase the potential for additional competition at the sale.]~~

~~5. Public sales shall commence with:~~

- ~~—~~ (a) the submission of fixed price sealed bids. A sealed bid shall contain an amount equal to at least 10% of the total amount offered to purchase the property. The agency may require these funds to be in the form of a certified check. On cash sales the purchaser shall pay the purchase price in full with guaranteed funds. The agency reserves the right to reject any bid however submitted. No less than three of those submitting the highest bids shall be allowed to enter into oral bidding, beginning at the amount of the highest sealed bid. The number of additional parties allowed to participate in oral bidding shall be those

parties who submit a sealed bid that is within 20% of the third highest sealed bid. In the event that a parcel is offered both as one piece, and broken into several sub-parcels, the prevailing bidders for each of the sub-parcels shall be allowed to participate in the oral bidding when the parcel is offered as one piece. Current Grazing Permittees, Material Permittees and Special Use Lessees who submit sealed bids shall automatically qualify to enter into oral bidding, even if their sealed bid does not otherwise meet the qualifications described above. A bidder shall be held to the value of the bidder's sealed bid; or

(b) the payment of an agency established bidding deposit. When the sales method outlined in this subsection is used, the agency may waive the requirement to not disclose the minimum acceptable sales price imposed by R850-80-500(2)(a).]

R850-80-610. Public Sale Auctions.

Public sale auctions shall be conducted as follows:

1. Sealed bids shall be accepted until the day prior to the auction by the agency, or on the day of the auction by the officer conducting the auction.

2. A sealed bid shall contain funds in an amount equal to at least 10% of the total bid amount offered to purchase the subject property and may be required to consist of certified funds. Bids and bid deposits shall be a specified dollar amount. The agency reserves the right to reject any bid however submitted.

3. Purchasers who have defaulted on certificates of sale may be required to make larger down-payments or submit sealed bids in the form of certified funds even if such a requirement is not contained in the notice of sale.

4. The persons submitting the three highest bids shall be allowed to enter into oral bidding, which shall begin at the amount of the highest sealed bid, subject to those terms and conditions of R850-80-610(5). Those persons who submit a sealed bid that is within 20% of the third highest sealed bid shall also be allowed to participate in oral bidding, subject to those terms and conditions of R850-80-610(5).

5. In the event the minimum selling price of a property is disclosed prior to the auction, persons who bid less than the disclosed minimum selling price shall be disqualified and shall not be eligible for oral bidding, even if such bids would otherwise meet those requirements in R850-80-610(4) or (6).

6. Only current grazing permittees, materials permittees and special use lessees on the subject property who submit sealed bids shall automatically qualify to enter into oral bidding, subject to those terms and conditions of R850-80-610(5).

7. All bids, whether sealed or oral, constitute a valid offer to purchase. An attempt to withdraw a sealed bid after the first sealed bid has been read, or an attempt to withdraw or amend an oral bid may result in the forfeiture of the bid deposit and any other remedy afforded the agency at law or equity.

[6-]8. If, after the first round of oral bidding, no bid is submitted which equals or exceeds the agency's [pursuant to R850-80-600(5)(a) equals or exceeds the] minimum selling price, then the sale shall not be made except as provided below.

(a) [The bidders who participated in the oral bidding may, at] At the discretion of the officer conducting the sale, qualified bidders may [be allowed to] enter into additional rounds of oral bidding, [with the] starting at the [amount being the previous] high bid reached in the previous round. [In the event that more than one sealed bid was submitted, but there was no oral bidding, those persons having submitted a sealed bid who would have been allowed to enter into oral bidding pursuant to R850-80-600(5) shall be allowed to enter into oral bidding with the starting amount being the highest sealed bid.]

(b) To facilitate the sale of the parcel, the officer conducting the sale may divulge the minimum [acceptable] selling price [;].

[b] if there is still not a successful bidder, the person submitting the highest bid, whether it be sealed or oral, may request the agency to reevaluate the minimum selling price. If the agency chooses to accept the request of the person submitting the highest bid, it shall contract for an independent appraisal, the cost for which shall be borne by the requesting party. If this appraisal indicates a value less than the highest bid, then the agency may elect to notify the highest bidder by certified mail and give him two weeks from the date of notice in which to purchase the property pursuant to R850-80-600(7).

—7-]9. At the [consummation] conclusion of the [sale] auction, the agency shall collect from the successful bidder:

(a) a down payment in the amount required by the sale notice;

(b) [at least 10% of the total sale price,] interest on the unpaid balance from the date of sale to the first day of the following month; and

(c) reimbursement of costs incurred in preparing the parcel for sale, which may include costs incurred for advertising, appraisal, cultural resource investigations, environmental assessments, and a sale processing charge, [the advertising and appraisal costs, and a sales closing charge. The balance shall be payable in no more than 20 annual payments.]

10. The first payment shall be [payable] due one year from the first day of the month following the sale; subsequent payments shall be [payable] due on the first day of the same month each year thereafter until the balance is paid in full.

11. [Payments] Amounts paid in excess of the current obligations shall be applied to principal. [Any] The unpaid balance, plus interest to date, may be paid in full at any time without penalty.

[8-]12. If the successful bidder defaults on the down payment or otherwise fails to meet the requirements of R850-80-610(9), the property may, upon approval by the director, be offered for sale to the person whose bid was second highest at the auction provided that the terms of the sale shall meet or exceed the minimum acceptable selling price established for the subject property. The second highest bidder shall have 30 days from the date of the agency's offer to submit the amounts required under R850-80-610(9).

13. The interest rate which shall be charged against any unpaid balance at the [time of sale] conclusion of the auction shall be the prime rate, as [published by Zion's First National Bank,] determined by the agency on the date the public sale is approved by the director, plus 2 1/2% (Prime Rate + 2 1/2%), [as ascertained on the date that the sale is approved.] Interest shall be calculated on a 365-day basis. Every year thereafter, the interest rate which shall be charged against the unpaid balance shall be the prime rate, as [published by Zion's First National Bank,] determined by the agency on the date of billing, plus 2 1/2% (Prime Rate + 2 1/2%), [as ascertained on the Monday prior to the first of the month previous to the due date of the annual installment.]

[9-]14. Third parties owning authorized improvements on the parcel at the time of the sale shall be allowed 90 days from the date of the sale to remove the improvements. This provision is not applicable when such improvements are permitted under a valid existing right of record when such right survives the sale of the parcel.

R850-80-615. Negotiated Sale Notice and Advertising.

1. Prior to an agency decision to initiate a negotiated sale, notice of such shall be sent by certified mail to:

(a) the appropriate county authority in which the subject property is located with a request to have the notice posted in the governmental administrative building or courthouse and other appropriate locations;

- (b) lessees/permittees of record on the subject property; and
(c) adjoining landowners as shown on county records.
 2. The notice of sale shall include:
(a) a general description of the subject property including township, range, and section and a brief description of the location of the subject property; and
(b) contact information of the agency office where interested parties can obtain more information.
 3. The agency may advertise negotiated sales using any other methods the director has determined may increase the potential for additional interest in the subject property.

R850-80-620. Negotiated Sale Procedures.

1. Negotiated sales shall be advertised in the manner set forth in R850-80-615. In the event a competing offer(s) is received, the agency shall evaluate the offers and determine what action is in the best interest of the beneficiaries.
 2. The board and affected beneficiary institution(s) shall be provided notice 30 days prior to the sale describing the terms, reasons, and other pertinent facts of the proposed negotiated sale.
 3. Board approval of a negotiated sale is required if:
(a) the value of the subject property exceeds \$250,000.00;
(b) the subject property exceeds 320 acres in size; or
(c) additional interested person(s) indicate to the agency an interest in purchasing the subject property.
 4. A purchaser of trust land sold at a negotiated sale may be required to reimburse the agency for costs incurred in preparing the parcel for sale, which may include costs for advertising, appraisal, cultural resource investigations, environmental assessments, and a sale processing charge.

R850-80-700. Certificates of Sale.

1. ~~As soon as reasonably possible following the~~ Following a public sale~~;~~ or upon concurrence of the parties in a negotiated sale, the agency shall prepare and deliver a certificate of sale to the purchaser. This certificate shall contain a legal description of the ~~land purchased;~~ subject property, and shall include:
(a) information regarding the amount paid~~;~~;
(b) the amount due~~;~~;
(c) the time when the principal and interest shall become due~~;~~;
(d) the beneficiary of the land~~;~~;
(e) provisions for remedies the agency may elect in the event of a default, as such remedies are set forth in R850-80-700(8); and
(f) ~~and~~ any other terms, covenants, deed restrictions, or conditions which the agency ~~finds~~ considers appropriate. ~~Upon payment in full, the agency shall issue a patent pursuant to Subsection 53C-4-102(7).~~
 2. Certificates of sale ~~shall~~ must be executed by the purchaser and returned to the agency within 30 days from the date of the purchaser's receipt of the certificate. If the certificate is not received by the agency within the 30 day period, certified notice ~~will~~ shall be sent to the purchaser giving notice that after 30 days the sale ~~will~~ may be canceled with all monies received, including the down-payment, forfeited to the ~~Trust Lands Administration~~ agency. Notification by certified mail, return receipt requested, of this forfeiture provision shall accompany the transmittal of the certificate to the purchaser.
 3. A certificate of sale shall be signed by the director after it has been signed by the purchaser and returned to the agency. The certificate ~~and the agreement of sale~~ shall not be final and no rights shall vest in the purchaser until the certificate is executed by the director. The agency reserves the right to ~~reject bids~~ cancel a sale of

trust land for any reason prior to execution of the certificate by the director.

4. A certificate of sale may be assigned to any person qualified to purchase trust lands, provided that the assignment is approved by the ~~agency~~ director, and that no assignment is effective until approval is given by the director in writing.

5. An assignment of a certificate of sale shall ~~must~~ be consistent with these rules, executed by the assignee and assignor and acknowledged, and shall clearly set forth the certificate of sale number, the land involved, and the name and address of the assignee.

6. Assignment of a certificate of sale does not relieve the assignor from ~~any obligations~~ ~~[responsibility]~~ under the original ~~contract~~ certificate of sale.

7. Upon payment in full and surrender of the original certificate of sale for any tract of land sold, or payment in full of any amounts required under R850-80-750(3) for the partial release of property, the agency shall issue a patent to the appropriate person.

8. In the event of a purchaser's default under the certificate of sale, the agency's remedies shall include, without limitation, acceleration of the debt, forfeiture, any remedy which the agency may pursue under the certificate of sale, suite for judgment, foreclosure as provided for under Section 57-1-19 et seq. for trust deeds, and any other remedies afforded at law or equity.

R850-80-750. Partial Releases.

~~[7-]~~ Partial release[s] of property sold under a certificate[s] of sale may be allowed at the discretion of the ~~agency~~ director. The following conditions ~~must~~ shall be met:

~~[—(a) A partial release may only be made for parcels ten acres or larger;~~

~~]~~ ~~(b)~~ 1. Access to the remainder of the land must be preserved without restriction;

~~(c)~~ 2. All utilities and infrastructure, including water, sewer and storm drains, electric power, and natural gas, installed on land covered by the certificate ~~must~~ shall have the capacity and capability to service all trust land[s] originally included ~~[covered by]~~ in the certificate;

~~(d)~~ 3. Unless the director makes a written finding that waiver of this condition would be in the best interests of the trust beneficiaries, payment shall be made to the agency in an amount equal to 125% of the original price per acre ~~[paid by the purchaser under the certificate of sale]~~, multiplied by the number of acres to be released, plus interest on that amount to the date payment is received. The payment shall be in the form of ~~guaranteed~~ certified funds, and shall be applied to principal. This payment shall not affect the amount or due dates of annual payments;

~~(e)~~ 4. Unless the director makes a written finding that waiver of this condition would be in the best interests of the beneficiaries, the 125% payment required by paragraph ~~(d)~~ 3 above shall not include the 10% down payment ~~[required by statute]~~ or any ~~[other payment not designated by the payor, and accepted by the agency for that purpose;]~~ annual installment paid under the certificate of sale;

~~(f)~~ 5. The buyer shall provide a survey and legal description prepared and sealed by a Utah Registered Land Surveyor of the parcel to be released and the remaining land under the certificate; and

~~(g)~~ 6. The value of the remaining land shall not be reduced ~~[below the remaining]~~ to an amount less than the remaining principal balance of the certificate. ~~]~~

~~—8. Certificates issued pursuant to this section shall contain provisions for remedies that the agency may elect in the event of default. Those remedies shall include, without limitation, acceleration of the debt, forfeiture, any remedy which the agency may pursue under~~

the contract of sale, suit for judgment, foreclosure as provided for under Section 57-1-19 et seq. for trust deeds, and any other remedies afforded at law or equity. Purchasers who have defaulted on certificates of sale may be required to make larger down payments on subsequent sales.]

[R850-80-800. Agency-Initiated Sales.

1. The agency may also offer lands for sale when they have been:

(a) ~~Subdivided by the agency pursuant to Subsection 53C-4-102(4); or~~

(b) ~~Otherwise subdivided pursuant to state law; and the subdivision is accepted by the director.~~

2. Sales of parcels pursuant to this section shall be made according to the following procedures:

(a) ~~The agency may offer the subject parcels for sale after advertising pursuant to R850-80-600(2).~~

(b) ~~The minimum acceptable sales price shall be no less than the appraised fair market value of the parcel and shall be disclosed.~~

(c) ~~Sales shall be by public oral auction, with the minimum acceptable sales price as the starting bid. Buyers may be represented by third parties.~~

(d) ~~Bidders must qualify by placing a deposit with the agency for each parcel on which they bid. The amount of the deposit shall be established by the agency for each public auction. Deposits shall be returned to unsuccessful bidders.~~

(e) ~~Sealed bids shall be accepted from those unable to attend the auction and, if they equal or exceed the minimum acceptable sales price, shall be the starting bids in the oral auction. Sealed bids must clearly designate the lot on which the bid is made, and must include the qualifying deposit.~~

(f) ~~Payment by the successful bidder shall be made pursuant to the applicable provisions of R850-80-600(7).~~

(g) ~~In addition to the sales price, each purchaser of a parcel shall pay:~~

i) ~~a prorated portion of the appraisal costs; and~~

ii) ~~an application and sales processing charge.~~

(h) ~~Other provisions of the sale shall be administered pursuant to R850-80-600(8), R850-80-600(10) and R850-80-700.~~

3. Over the Counter Sales

(a) ~~Following a public auction, the director may designate any unsold parcel for over the counter sale. The designation shall continue in force for a period determined by the director, but not to exceed two years.~~

(b) ~~The minimum acceptable price of an unsold parcel on an over the counter sale shall be set by the director, using one of the following:~~

i) ~~The average price of at least three parcels closest in size and characteristics which were sold at the related public auction under R850-80-800(2); or~~

ii) ~~A reappraisal.~~

4. ~~At the discretion of the director, unsold parcels may be retained for offering at a subsequent public auction.~~

5. ~~At the discretion of the director, unsold parcels may be listed with a realtor at the minimum acceptable price plus an amount equivalent to the commission which the realtor will charge on the sale.~~

]

KEY: administrative procedures, sales

Date of Enactment or Last Substantive Amendment: [~~October 4, 2004~~October 8, 2007]

Notice of Continuation: June 27, 2007

Authorizing, and Implemented or Interpreted Law: 53C-1-302(1)(a)(ii); 53C-2-201(1)(a); 53C-4-101(1); 53C-4-102; 53C-4-202(6); 63-2-304; 72-5-203(1)(a)(i); 72-5-203(2)(a)



**Tax Commission, Auditing
R865-12L-9**

**Determination of Point of Sale or Use
for Sellers and Purchasers Who Make
Sales or Purchases From a Location
Other Than a Fixed Place of Business
in Utah Pursuant to Utah Code Ann.
Section 59-12-207**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30328

FILED: 08/15/2007, 13:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-118 authorizes the commission to prescribe forms for the administration of sales tax, thus a section regarding this is unnecessary.

SUMMARY OF THE RULE OR CHANGE: This section is deleted because form numbers are outdated, and the language for what forms should be filed is in publications and form instructions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-207

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--The proposed amendment removes outdated language. All information necessary to taxpayers always appears in form instructions.

❖ **LOCAL GOVERNMENTS:** None--The proposed amendment removes outdated language. All information necessary to taxpayers always appears in form instructions.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** None--The proposed amendment removes outdated language. All information necessary to taxpayers always appears in form instructions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Taxpayers will continue to file sales tax returns in accordance with current form instructions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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 cleec@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.

R865-12L. Local Sales and Use Tax.

~~[R865-12L-9. Determination of Point of Sale or Use for Sellers and Purchasers Who Make Sales or Purchases From a Location Other Than a Fixed Place of Business in Utah Pursuant to Utah Code Ann. Section 59-12-207.~~

~~— A. "Combined sales tax rate" means the sales tax rate that is the sum of the state sales and use tax rate provided under Title 59, Chapter 12, Part 1, the local sales and use tax rate provided under Title 59, Chapter 12, Part 2, and the rates of any of the following county or municipal taxes that have been imposed in the locality:~~

- ~~— 1. Title 59, Chapter 12, Part 5, Public Transit Tax;~~
- ~~— 2. Title 59, Chapter 12, Part 7, County Option Funding for Botanical, Cultural, and Zoological Organizations;~~
- ~~— 3. Title 59, Chapter 12, Part 8, Funding for Rural County Hospitals;~~
- ~~— 4. Title 59, Chapter 12, Part 10, Highways Tax; and~~
- ~~— 5. Title 59, Chapter 12, Part 11, County Option Sales and Use Tax.~~

~~— B. The following transactions shall be reported on Tax Commission form TC 71, Schedule B/D ("Schedule B/D"):~~

- ~~— 1. sales of goods from vending machines if the vending machines are situated at multiple locations;~~
- ~~— 2. sales made from a location in Utah other than a fixed place of business in Utah;~~
- ~~— 3. sales of tangible personal property shipped into the state by vendors that have established Utah sales tax nexus;~~
- ~~— 4. purchases of tangible personal property for storage, use, or consumption by a purchaser that is required to file a Utah sales and use tax return but only if:~~
 - ~~— a) the initial delivery of the tangible personal property is from an inventory located outside the state and the storage, use, or consumption of the tangible personal property occurs at a location other than at a fixed place of business in Utah; and~~
 - ~~— b) Utah use tax was not collected on the purchase of the tangible personal property described in 4.a).~~

~~— C. A vendor that makes sales from a fixed location in Utah as well as sales that must be filed on Schedule B/D pursuant to B., may~~

~~not include on the Schedule B/D those sales the vendor makes from a fixed place of business in Utah.~~

~~— D. Sales or purchases required to be included on Schedule B/D pursuant to B. shall be reported on the basis of:~~

- ~~— 1. the county in which they are made, but only if none of the cities within that county has a combined sales tax rate that differs from the county combined sales tax rate; or~~
- ~~— 2. the city in which they are made, but only if that city has a combined sales tax rate that differs from the county combined sales tax rate.~~

~~— E. Revenues reported to the Tax Commission on Schedule B/D pursuant to B. shall be allocated to points of sale or use within the reported county based on the proportion of taxable sales or uses attributable to fixed places of business within a particular locality in the county compared to the taxable sales or uses attributable to fixed places of business throughout the county.~~

~~— F. Revenues allocated to points of sale or use under E. shall be distributed to counties, cities, and towns within the state according to the provisions of Title 59, Chapter 12, Sales and Use Tax Act.~~

]

KEY: taxation, sales tax, restaurants, collections

Date of Enactment or Last Substantive Amendment: [November 17, 2006]2007

Notice of Continuation: March 16, 2007

Authorizing, and Implemented or Interpreted Law: 59-12-207



**Tax Commission, Motor Vehicle Enforcement
R877-23V-7**

Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30327

FILED: 08/15/2007, 11:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The section is amended to reflect current practice.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment provides that dealer document fees, and optional undercoating and rust proofing fees are no longer required to be in the advertised price of a vehicle. This conforms the section to industry practice.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-3-210

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The proposed amendments conform the rule to industry practice.
- ❖ LOCAL GOVERNMENTS: None--The proposed amendments conform the rule to industry practice.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The proposed amendments conform the rule to industry practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendments conform the rule to industry practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

TAX COMMISSION
MOTOR VEHICLE ENFORCEMENT
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 cleee@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R877. Tax Commission, Motor Vehicle Enforcement.
R877-23V. Motor Vehicle Enforcement.
R877-23V-7. Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210.

~~[A-]~~ Violation of any of the following standards of practice for the advertising and selling of motor vehicles is a violation of Section 41-3-210.

~~[1-]~~(1) Accuracy. Any advertised statements and offers about a vehicle as to year, make, model, type, condition, equipment, price, trade-in-allowance, terms, and so forth, shall be clearly set forth and based upon facts.

~~[2-]~~(2) Bait. Bait advertising and selling practices may not be used. A vehicle advertised at a specific price shall be in the possession of the advertiser at the address given. It shall be willingly shown, demonstrated and sold, or, in the case of a new vehicle floor model, orders shall be taken for future delivery of the identical model at the advertised price and terms. If sold, the advertiser shall, upon request of any prospective purchaser, peace officer, or employee of the division, show sales records of the advertised vehicle.

~~[3-]~~(3)(a)(i) Price. When the price of a vehicle is quoted, the vehicle shall be clearly identified as to make, year, model and if new or used. ~~[In addition-]~~ Except as provided in Subsection (3)(a)(ii), the ~~[stated]~~ advertised price must include all charges that the customer must pay for the vehicle, including freight or destination charges, dealer preparation, dealer handling, and additional dealer profit~~[s-]~~.

(ii) ~~[document]~~ The following fees are not required to be included in the advertised price that the customer must pay for the vehicle:

~~(A)~~ dealer document service fees~~[-and]~~;

~~(B)~~ if optional, undercoating or rustproofing fees; and~~[-]~~

~~(a)~~(C) ~~[The advertised price need not include-]~~ sales tax, or titling and registration fees required by the state or a county.

~~(b)~~(b) In addition to other advertisements, this pertains to price statements such as "\$.... Buys".

~~(e)~~(c) When "list", "sticker", or words of similar import are used in an advertisement, they may refer only to the manufacturer's suggested retail price. If a supplementary price sticker is used, the advertised price must include all items listed on the supplementary sticker.

~~(d)~~(d) If the customer requests and receives a temporary permit, the temporary permit fee need not be included in the advertised price. Documentation fees are not required by the state or counties.

~~(4-)~~(4) Savings and Discount Claims. Because the intrinsic value of a used vehicle is difficult to establish, specific claims of savings may not be used in an advertisement. This includes statements such as, "Was priced at \$....., now priced at \$....."

~~(a)~~(a) The word "wholesale" may not be used in retail automobile advertising.

~~(b)~~(b) When an automotive advertisement contains an offer of a discount on a new vehicle, the amount of the discount must be stated by reference to the manufacturer's suggested retail price of the vehicle.

~~[5-]~~(5) Down Payments. The amount of the down payment may not be stated in a manner that suggests that it is the selling price of the vehicle. If an advertisement states "You can buy with no money down", or terms of similar import, the customer must be able to leave the dealership with the vehicle without making any outlay of money.

~~[6-]~~(6) Trade-in Allowance. Statements representing that no other dealer grants greater allowances for trade-ins may not be used. A specific trade-in amount or range of trade-in amounts may not be used in advertising.

~~[7-]~~(7) Finance. The phrases, "no finance charge", "no carrying charge", or similar expressions may not be used when there is a charge for placing the transaction on a time payment basis. Statements representing or implying that no prospective credit purchaser will be rejected because of inability to qualify for credit may not be used.

~~[8-]~~(8) Unpaid Balance and Repossessions. The term "repossessed" may be used only to describe vehicles that have actually been repossessed from a purchaser. Advertisers offering repossessed vehicles for sale may be required to offer proof of those repossessions. The unpaid balance shall be the full selling price unless otherwise stated.

~~[9-]~~(9) Current Used. When a used motor vehicle, as defined by Section 41-3-102, of a current series is advertised, the first line of the advertisement must contain the word "used" or the text must clearly indicate that the vehicle offered is used.

~~[10-]~~(10) Demonstrators, Executives' and Officials' Cars.

~~(a)~~(a) "Demonstrator" means a vehicle that has never been sold or leased to a member of the public.

~~(b)~~(b) Demonstrator vehicles include vehicles used by new vehicle dealers or their personnel for demonstrating performance ability but not vehicles purchased or leased by dealers or their personnel and used as their personal vehicles.

~~(e)~~(c) A demonstrator vehicle may be advertised for sale only by a dealer franchised for the sale of that make of new vehicle.

~~(d)~~(d) An executive's or official's vehicle shall have been used exclusively by an executive of the dealer's franchising manufacturer or distributor, or by an executive of the franchised dealership. These vehicles may not have been sold or leased to a member of the public prior to the appearance of the advertisement.

~~(e)~~(c) Demonstrator's, executive's and official's vehicles shall be clearly and prominently advertised as such. Advertisements shall include the year, make, and model of the vehicle offered for sale.

~~[44-]~~(11) Taxi-cabs, Police, Sheriff, and Highway Patrol Vehicles. Taxi-cabs, police, sheriff, and highway patrol vehicles shall be so identified. These vehicles may not be described by an ambiguous term such as "commercial".

~~[42-]~~(12) Mileage Statements. When an advertisement quotes the number of miles or a range of miles a vehicle has been driven, the licensee must have written evidence that the vehicle has not been operated in excess of the advertised mileage.

~~(a)~~(a) The evidence required by this section shall be the properly completed odometer statement required by Section 41-1a-902.

~~(b)~~(b) If a licensee chooses to advertise specific mileage or a range of miles a vehicle has been driven, the licensee shall upon request of any prospective purchaser, peace officer, or employee of the division produce all documents in its possession pertaining to that vehicle so that the mileage can be readily verified.

~~[43-]~~(13) Underselling Claims. Unsupported underselling claims may not be used. Underselling claims include the following: "our prices are guaranteed lower than elsewhere", "money refunded if you can duplicate our values", "we guarantee to sell for less", "we sell for less", "we purchase vehicles for less so we can sell them for less", "highest trade-in allowance", "we give \$300 more in trade than any other dealers". Evidence of supported underselling claims must be contained in the advertisement.

~~[44-]~~(14) Would You Take \$..... Use of cards, circulars, or other advertising containing such offers as "would you take \$....., if I could get you \$..... for your car", may not be used.

~~[45-]~~(15) Free. "Free" may be used in advertising only when the advertiser is offering an unconditional gift. If receipt of the merchandise or service is conditional on a purchase the following conditions must be satisfied:

~~(a)~~(a) The normal price of the merchandise or service to be purchased may not have been increased nor its quantity reduced;

~~(b)~~(b) The advertiser must disclose this condition clearly and conspicuously together with the offer and not by placing an asterisk or symbol next to the word "free" and then referring to the condition in a footnote; and

~~(c)~~(c) The offer must be temporary. For purposes of this subsection, "temporary" means that the offer is made for no more than 30 days during any 12-month period.

~~[46-]~~(16) Driving Trial. A free driving trial means that the purchaser may drive the vehicle during the trial period and return it to the dealer within the specified period and obtain a refund of all moneys, signed agreements, or other considerations deposited and a return of any vehicle traded in. The exact terms and conditions of the free driving trial shall be set forth in writing and a copy given to the purchaser at the time of the sale.

~~[47-]~~(17) Guaranteed. When words such as "guarantee", "warranty", or other terms implying protection are used in advertising, an explanation of the time and coverage of the guarantee or warranty shall be given in clear and concise language. The purchaser shall be provided with a written document stating the specific terms and coverage.

~~[48-]~~(18) Name Your Own Deal. Statements such as "write your own deal", "name your own price", "name your own monthly payments", "appraise your own vehicle", and phrases of similar import may not be used.

~~[49-]~~(19) Disclosure of Material Facts. Disclosures of material facts that are contained in advertisements and that involve types of

vehicles and transactions shall be made in a clear and conspicuous manner.

~~(a)~~(a) Factors to be taken into consideration include advertisement layout, headlines, illustrations, type size, contrast, crawl speed and editing.

~~(b)~~(b) Fine print, and mouse print are not acceptable methods of disclosing material facts.

~~(c)~~(c) The disclosure must be made in a typeface and point size comparable to the typeface and point size of the text used throughout the body of the advertisement.

~~(d)~~(d) An asterisk may be used to give additional information about a word or term, however, asterisks or other reference symbols may not be used as a means of contradicting or substantially changing the meaning of any advertising statements.

~~[20-]~~(20) Lease. When an advertisement relates to a lease, the advertisement must make it readily apparent that the transaction advertised is a lease.

~~(a)~~(a) The word "lease" must appear in a prominent position in the advertisement in a typeface and point size comparable to the largest text used to directly advertise the vehicle.

~~(b)~~(b) Statements that do not use the term "lease" do not constitute adequate disclosure of a lease.

~~(c)~~(c) Lease advertisements may not contain the phrase "no down payment" or words of similar import if an outlay of money is required to lease the vehicle.

~~(d)~~(d) Lease terms that are not available to the general public may not be included in advertisements directed at the general public.

~~(e)~~(e) Limitations and qualifications applicable to the lease terms advertised shall be clearly and conspicuously disclosed.

~~[21-]~~(21) Television Disclosures. A disclosure appearing in television advertisements must clearly and conspicuously feature all necessary information in a manner that can be read and understood if type is used, or that can be heard and understood if audio is used. Fine print and mouse print do not constitute clear and conspicuous disclosure.

~~[22-]~~(22) Invoice or Cost. The terms "invoice" or "factory invoice" may be used as long as the dealer is willing to show the factory invoice to the prospective buyer. The term "cost" may not be used.

~~[23-]~~(23) Rebate Offers. "Rebate", "cash rebate", or similar terms may be used only when it is clearly and conspicuously stated who is offering the rebate.

~~[24-]~~(24) Buy-down Interest Rates. No buy-down interest rate may be advertised unless the dealer discloses the amount of dealer contribution and states that the contribution by the dealership may increase the negotiated price of the vehicle.

~~[25-]~~(25) Special Status of Dealership. An automotive advertisement may not falsely imply that the dealer has a special sponsorship, approval status, affiliation, or connection with the manufacturer that is greater or more direct than any other like dealer.

~~[26-]~~(26) Price Equaling. An advertisement that expresses a policy of matching or bettering competitor's prices shall fully disclose any conditions that apply and specify the evidence a consumer must present to take advantage of the offer. The evidence requirement may not place an unreasonable burden on the consumer by, for example requiring the consumer to produce a signed contract from another dealer or to find a vehicle with the identical features.

~~[27-]~~(27) Van Conversion Advertisements. A dealer may advertise a modified vehicle using the conversion firm's name and may refer to the chassis manufacturer in a less prominent manner, but may

not advertise a modified vehicle solely by a chassis manufacturer's name unless enfranchised to sell that make of vehicle.

~~(28)~~(28) Auction. "Auction" or "auction special" and other terms of similar import may be used only in connection with vehicles offered or sold at a bona fide auction.

~~(29)~~(29) Layout and Type Size. The layout, headlines, illustrations, or type size of a printed advertisement and the broadcast words or pictures of radio or television advertisements may not convey or permit an erroneous or misleading impression as to which vehicle or vehicles are offered at featured prices.

~~(a)~~(a) When an advertisement contains a picture of a vehicle along with a quoted price, the vehicle pictured must be the exact model with identical options and accessories as the vehicle advertised.

~~(b)~~(b) No advertised offer, expression, or display of price, terms, down payment, trade-in allowances, cash difference, savings, or other material terms may be misleading and any necessary qualifications shall be clearly, conspicuously, and accurately set forth to prevent misunderstanding.

~~(c)~~(c) Qualifying terms and phrases shall be clearly, conspicuously, and accurately set forth as follows:

~~(1)~~(i) in bold print and in type of a size that is capable of being read without unreasonable extra effort;

~~(2)~~(ii) in terms that are understandable to the buying public; and

~~(3)~~(iii) in close proximity to the qualified representation and not separated or buried by asterisk in some other part of the advertisement.

KEY: taxation, motor vehicles

Date of Enactment or Last Substantive Amendment: ~~July 16,~~ 2007

Notice of Continuation: March 14, 2007

Authorizing, and Implemented or Interpreted Law: 41-3-210



Tax Commission, Property Tax
R884-24P-33
 2007 Personal Property Valuation
 Guides and Schedules Pursuant to
 Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30329

FILED: 08/15/2007, 13:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This is an annual update to the personal property guides and schedules for local valuation and assessment of business personal property and certain motor vehicles.

SUMMARY OF THE RULE OR CHANGE: Subsection 59-1-210(3) authorizes the State Tax Commission to promulgate rules that aid county officials in the performance of the duties relating to the assessment and equalization of property within the county.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The amount of savings or cost to state government is undetermined. Tax revenue is distributed to local governments to finance public services and programs. Increases or decreases in 2008 tax revenue cannot be determined, even if there were no changes in the percent good tables, because taxpayer acquisitions and deletions of property during 2008 is unknown. The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2008 based on the type and age of the property assessed. Schedules for classes 1, 12, 15, 24, and 27 are proposed with no changes for 2008 from 2007. Schedules used to value business personal property increase as much as 11percentage points in class 16, "Long Life Equipment". The Schedule for class 6 used to value "Heavy and Medium Duty Trucks" increased two percentage points. The schedule for class 17, "Houseboats/Yachts 31 Feet and Above" decreased four percentage points from the previous year. In aggregate, for all personal property schedules, it is anticipated that the change in the annual tax rate will have a larger impact on revenue than will the proposed schedule changes amending this rule.

❖ **LOCAL GOVERNMENTS:** The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased personal property value and the change in the annual tax rate. Increases or decreases in 2008 tax revenue cannot be determined, even if there were no changes in the percent good tables, because taxpayer acquisitions and deletions of property during 2008 is unknown. The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2008 based on the type and age of the property assessed. Schedules for classes 1, 12, 15, 24, and 27 are proposed with no changes for 2008 from 2007. Schedules used to value business personal property increase as much as 11percentage points in class 16, "Long Life Equipment". The schedule for class 6 used to value "Heavy and Medium Duty Trucks" increased two percentage points. The schedule for class 17 "Houseboats/Yachts 31 Feet and Above" decreased four percentage points from the previous year. In aggregate, for all personal property schedules, it is anticipated that the change in the annual tax rate will have a larger impact on revenue than will the proposed schedule changes amending this rule.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay taxes based on increased or decreased personal property value and the change in the annual tax rate. The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2008 based on the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2008 property mix compared to the previous year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Local business owners and property tax practitioners will once again be required to be aware of new percent good figures. However, this is an annual occurrence; therefore the compliance cost in completing the assessment process will not change. The

change in taxes charged for these businesses depends entirely on the owner's mix of property since some percent good schedules are increasing and others decreasing. For example, the owner of a heavy duty truck may see an increase in value since the 2007 proposed percent good schedule because this class increased in value by two percentage points. The owner of a commercial trailer, however, may see an increase or a decrease, compared to the previous rule, depending on the model year of the trailer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses from changes in the proposed personal property schedules due to changes in this rule will not be as significant as changes in the annual tax rate. D'Arcy Dixon, Commissioner

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

TAX COMMISSION
PROPERTY TAX
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 clec@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 10/01/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/2007

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-33. [2007]2008 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

(1) Definitions.

(a) "Acquisition cost" means all costs required to put an item into service, including purchase price, freight and shipping costs; installation, engineering, erection or assembly costs; and excise and sales taxes.

(i) Indirect costs such as debugging, licensing fees and permits, insurance or security are not included in the acquisition cost.

(ii) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

(b)(i) "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

(ii) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

(c) "Cost new" means the actual cost of the property when purchased new.

(i) Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

(A) documented actual cost of the new or used vehicle; or

(B) recognized publications that provide a method for approximating cost new for new or used vehicles.

(ii) For the following property purchased used, the taxing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

(A) class 6 heavy and medium duty trucks;

(B) class 13 heavy equipment;

(C) class 14 motor homes;

(D) class 17 vessels equal to or greater than 31 feet in length;

(E) class 21 commercial trailers; and

(F) class 23 aircraft subject to the aircraft uniform fee and not listed in the aircraft bluebook price digest.

(d) "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

(i) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

(ii) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as Primedia Penton Price Digests.

(2) Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

(a) Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

(b) A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

(c) County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

(d) A party may request a deviation from the value established by the schedule for a specific item of property if the use of the schedule does not result in the fair market value for the property at the retail level of trade on the lien date, including any relevant installation and assemblage value.

(3) The provisions of this rule do not apply to:

(a) a vehicle subject to the age-based uniform fee under Section 59-2-405.1;

(b) the following personal property subject to the age-based uniform fee under Section 59-2-405.2:

(i) an all-terrain vehicle;

(ii) a camper;

(iii) an other motorcycle;

(iv) an other trailer;

(v) a personal watercraft;

(vi) a small motor vehicle;

(vii) a snowmobile;

(viii) a street motorcycle;

(ix) a tent trailer;

(x) a travel trailer; and

(xi) a vessel, including an outboard motor of the vessel, that is less than 31 feet in length.

(4) Other taxable personal property that is not included in the listed classes includes:

(a) Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

(b) Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

(c) Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

(5) Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

(6) All taxable personal property, other than personal property subject to an age-based uniform fee under Section 59-2-405.1 or 59-2-405.2, is classified by expected economic life as follows:

(a) Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

(i) Examples of property in the class include:

- (A) barricades/warning signs;
- (B) library materials;
- (C) patterns, jigs and dies;
- (D) pots, pans, and utensils;
- (E) canned computer software;
- (F) hotel linen;
- (G) wood and pallets;
- (H) video tapes, compact discs, and DVDs; and
- (I) uniforms.

(ii) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

- (A) retail price of the canned computer software;
- (B) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or

(C) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

(iv) Video tapes, compact discs, and DVDs are valued at \$15.00 per tape or disc for the first year and \$3.00 per tape or disc thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	72%
[05]06	42%
[04]05 and prior	11%

(b) Class 2 - Computer Integrated Machinery.

(i) Machinery shall be classified as computer integrated machinery if all of the following conditions are met:

(A) The equipment is sold as a single unit. If the invoice breaks out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(B) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(C) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(D) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(E) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

(ii) Examples of property in this class include:

- (A) CNC mills;
- (B) CNC lathes;
- (C) MRI equipment;
- (D) CAT scanners; and
- (E) mammography units.

(iii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	[90%]91%
[05]06	[75%]81%
[04]05	[67%]71%
[03]04	[58%]63%
[02]03	[49%]52%
[01]02	[39%]42%
[00]01	[29%]28%
[99]00 and prior	[18%]14%

(c) Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

(i) Examples of property in this class include:

- (A) office machines;
- (B) alarm systems;
- (C) shopping carts;
- (D) ATM machines;
- (E) small equipment rentals;
- (F) rent-to-own merchandise;
- (G) telephone equipment and systems;
- (H) music systems;
- (I) vending machines;
- (J) video game machines; and
- (K) cash registers and point of sale equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	86%
[05]06	[71%]73%
[04]05	57%
[03]04	[39%]41%
[02]03 and prior	[20%]21%

(d) Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

(i) Examples of property in this class include:

- (A) furniture;
- (B) bars and sinks;
- (C) booths, tables and chairs;
- (D) beauty and barber shop fixtures;
- (E) cabinets and shelves;
- (F) displays, cases and racks;
- (G) office furniture;
- (H) theater seats;
- (I) water slides; and
- (J) signs, mechanical and electrical.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	[93%]92%
[05]06	[85%]87%
[04]05	80%
[03]04	[70%]74%
[02]03	[59%]62%
[01]02	[47%]51%
[00]01	[36%]38%
[99]00	[24%]26%
[98]99 and prior	[12%]13%

(e) Class 6 - Heavy and Medium Duty Trucks.

(i) Examples of property in this class include:

- (A) heavy duty trucks;
- (B) medium duty trucks;
- (C) crane trucks;
- (D) concrete pump trucks; and
- (E) trucks with well-boring rigs.

(ii) Taxable value is calculated by applying the percent good factor against the cost new.

(iii) Cost new of vehicles in this class is defined as follows:

- (A) the documented actual cost of the vehicle for new vehicles; or
- (B) 75 percent of the manufacturer's suggested retail price.

(iv) For state assessed vehicles, cost new shall include the value of attached equipment.

(v) The [2007]2008 percent good applies to [2007]2008 models purchased in [2006]2007.

(vi) Trucks weighing two tons or more have a residual taxable value of \$1,750.

TABLE 6

Model Year	Percent Good of Cost New
[07]08	90%
[06]07	[80%]82%
[05]06	[74%]76%
[04]05	[67%]69%
[03]04	[61%]63%
[02]03	[55%]56%
[01]02	[49%]50%
[00]01	[43%]44%
[99]00	[36%]37%
[98]99	[30%]31%
[97]98	[24%]25%
[96]97	18%
[95]96	12%
[94]95 and prior	[5%]6%

(f) Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

(i) Examples of property in this class include:

- (A) medical and dental equipment and instruments;
- (B) exam tables and chairs;
- (C) high-tech hospital equipment;
- (D) microscopes; and
- (E) optical equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	[95%]94%
[05]06	[86%]91%
[04]05	[84%]86%
[03]04	[77%]82%
[02]03	[69%]73%
[01]02	[59%]63%
[00]01	[50%]53%
[99]00	[41%]43%
[98]99	[30%]33%
[97]98	[21%]22%
[96]97 and prior	[10%]11%

(g) Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

(i) Examples of property in this class include:

- (A) manufacturing machinery;
- (B) amusement rides;
- (C) bakery equipment;
- (D) distillery equipment;
- (E) refrigeration equipment;
- (F) laundry and dry cleaning equipment;
- (G) machine shop equipment;
- (H) processing equipment;
- (I) auto service and repair equipment;
- (J) mining equipment;
- (K) ski lift machinery;
- (L) printing equipment;
- (M) bottling or cannery equipment;
- (N) packaging equipment; and
- (O) pollution control equipment.

(ii) Except as provided in Subsection (6)(g)(iii), taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii)(A) Notwithstanding Subsection (6)(g)(ii), the taxable value of the following oil refinery pollution control equipment required by the federal Clean Air Act shall be calculated pursuant to Subsection (6)(g)(iii)(B):

- (I) VGO (Vacuum Gas Oil) reactor;
- (II) HDS (Diesel Hydrotreater) reactor;
- (III) VGO compressor;
- (IV) VGO furnace;
- (V) VGO and HDS high pressure exchangers;
- (VI) VGO, SRU (Sulfur Recovery Unit), SWS (Sour Water Stripper), and TGU; (Tail Gas Unit) low pressure exchangers;
- (VII) VGO, amine, SWS, and HDS separators and drums;
- (VIII) VGO and tank pumps;

- (IX) TGU modules; and
- (X) VGO tank and air coolers.
- (B) The taxable value of the oil refinery pollution control equipment described in Subsection (6)(g)(iii)(A) shall be calculated by:
 - (I) applying the percent good factor in Table 8 against the acquisition cost of the property; and
 - (II) multiplying the product described in Subsection (6)(g)(iii)(B)(I) by 50%.

TABLE 8

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	[95%]94%
[05]06	[86%]91%
[04]05	[84%]86%
[03]04	[77%]82%
[02]03	[69%]73%
[01]02	[59%]63%
[00]01	[50%]53%
[99]00	[41%]43%
[98]99	[30%]33%
[97]98	[21%]22%
[96]97 and prior	[10%]11%

- (h) Class 9 - Off-Highway Vehicles.
 - (i) Because Section 59-2-405.2 subjects ~~[Class 9 property]off-highway vehicles~~ to an age-based uniform fee, a percent good schedule is not necessary~~[for this class]~~.
 - (i) Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.
 - (i) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	[97%]96%
[05]06	[91%]94%
[04]05	[88%]91%
[03]04	[83%]90%
[02]03	[77%]83%
[01]02	[70%]76%
[00]01	[64%]68%
[99]00	[67%]60%
[98]99	[49%]52%
[97]98	[41%]44%
[96]97	[33%]35%
[95]96	[26%]27%
[94]95	18%
[93]94 and prior	[9%]10%

- (j) Class 11 - Street Motorcycles.
 - (i) Because Section 59-2-405.2 subjects ~~[Class 11 property]street motorcycles~~ to an age-based uniform fee, a percent good schedule is not necessary~~[for this class]~~.
 - (k) Class 12 - Computer Hardware.
 - (i) Examples of property in this class include:
 - (A) data processing equipment;
 - (B) personal computers;
 - (C) main frame computers;
 - (D) computer equipment peripherals;

- (E) cad/cam systems; and
- (F) copiers.
- (ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	62%
[05]06	46%
[04]05	21%
[03]04	9%
[02]03 and prior	7%

- (l) Class 13 - Heavy Equipment.
 - (i) Examples of property in this class include:
 - (A) construction equipment;
 - (B) excavation equipment;
 - (C) loaders;
 - (D) batch plants;
 - (E) snow cats; and
 - (F) pavement sweepers.
 - (ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.
 - (iii) ~~[2007]2008~~ model equipment purchased in ~~[2006]2007~~ is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	[62%]61%
[05]06	[59%]57%
[04]05	[55%]54%
[03]04	51%
[02]03	[48%]47%
[01]02	44%
[00]01	41%
[99]00	37%
[98]99	[33%]34%
[97]98	30%
[96]97	[26%]27%
[95]96	[22%]24%
[94]95	[19%]20%
[93]94 and prior	[15%]17%

- (m) Class 14 - Motor Homes.
 - (i) Taxable value is calculated by applying the percent good against the cost new.
 - (ii) The ~~[2007]2008~~ percent good applies to ~~[2007]2008~~ models purchased in ~~[2006]2007~~.
 - (iii) Motor homes have a residual taxable value of \$1,000.

TABLE 14

Model Year	Percent Good of Cost New
[07]08	90%
[06]07	[65%]64%
[05]06	61%
[04]05	58%
[03]04	55%
[02]03	51%
[01]02	48%
[00]01	45%
[99]00	[41%]42%
[98]99	[38%]39%

[97] 98	35%
[96] 97	32%
[95] 96	[29%] 29%
[94] 95	[25%] 26%
[93] 94	[22%] 23%
[92] 93	[19%] 19%
[91] 92 and prior	[15%] 16%

[95] 96	[51%] 54%
[94] 95	[47%] 48%
[93] 94	[41%] 43%
[92] 93	[35%] 37%
[91] 92	[28%] 30%
[90] 91	[21%] 22%
[89] 90	15%
[88] 89 and prior	8%

(n) Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products. Equipment used in the semiconductor manufacturing industry is subject to significant economic and functional obsolescence due to rapidly changing technology and economic conditions.

(i) Examples of property in this class include:

- (A) crystal growing equipment;
- (B) die assembly equipment;
- (C) wire bonding equipment;
- (D) encapsulation equipment;
- (E) semiconductor test equipment;
- (F) clean room equipment;
- (G) chemical and gas systems related to semiconductor manufacturing;
- (H) deionized water systems;
- (I) electrical systems; and
- (J) photo mask and wafer manufacturing dedicated to semiconductor production.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
[06] 07	47%
[05] 06	34%
[04] 05	24%
[03] 04	15%
[02] 03 and prior	6%

(o) Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

(i) Examples of property in this class include:

- (A) billboards;
- (B) sign towers;
- (C) radio towers;
- (D) ski lift and tram towers;
- (E) non-farm grain elevators; and
- (F) bulk storage tanks.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

Year of Acquisition	Percent Good of Acquisition Cost
[06] 07	98%
[05] 06	[93%] 96%
[04] 05	[91%] 95%
[03] 04	[87%] 94%
[02] 03	[83%] 92%
[01] 02	[78%] 89%
[00] 01	[74%] 83%
[99] 00	[71%] 78%
[98] 99	[66%] 72%
[97] 98	[61%] 65%
[96] 97	[56%] 60%

(p) Class 17 - Vessels Equal to or Greater Than 31 Feet in Length.

(i) Examples of property in this class include:

- (A) houseboats equal to or greater than 31 feet in length;
- (B) sloops equal to or greater than 31 feet in length; and
- (C) yachts equal to or greater than 31 feet in length.

(ii) A vessel, including an outboard motor of the vessel, under 31 feet in length:

- (A) is not included in Class 17;
- (B) may not be valued using Table 17; and
- (C) is subject to an age-based uniform fee under Section 59-2-405.2.

(iii) Taxable value is calculated by applying the percent good factor against the cost new of the property.

(iv) The Tax Commission and assessors shall rely on the following sources to determine cost new for property in this class:

(A) the following publications or valuation methods:

(I) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;

(II) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor; or

(III) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide:

(aa) the manufacturer's suggested retail price for comparable property; or

(bb) the cost new established for that property by a documented valuation source; or

(B) the documented actual cost of new or used property in this class.

(v) The [2007]2008 percent good applies to [2007]2008 models purchased in [2006]2007.

(vi) Property in this class has a residual taxable value of \$1,000.

TABLE 17

Model Year	Percent Good of Cost New
[07] 08	90%
[06] 07	[68%] 65%
[05] 06	[66%] 63%
[04] 05	[64%] 60%
[03] 04	[62%] 58%
[02] 03	[59%] 56%
[01] 02	[57%] 54%
[00] 01	[55%] 52%
[99] 00	[53%] 50%
[98] 99	[50%] 48%
[97] 98	[48%] 45%
[96] 97	[46%] 43%
[95] 96	[44%] 41%
[94] 95	[42%] 39%
[93] 94	[39%] 37%
[92] 93	[37%] 35%
[91] 92	[35%] 33%
[90] 91	[33%] 30%
[89] 90	[31%] 28%
[88] 89	[28%] 26%

[97]88 [26%]24%
 [96]87 and prior [24%]22%

(q) Class 17a - Vessels Less Than 31 Feet in Length
 (i) Because Section 59-2-405.2 subjects vessels less than 31 feet in length to an age-based uniform fee, a percent good schedule is not necessary.

[~~(q)~~](r) Class 18 - Travel Trailers and Class 18a - Tent Trailers/Truck Campers.

(i) Because Section 59-2-405.2 subjects [Class 18 property]travel trailers and tent trailers/truck campers to an age-based uniform fee, a percent good schedule is not necessary[for this class].

[~~(r)~~](s) Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

- (i) Examples of property in this class include:
 (A) oil and gas exploration equipment;
 (B) distillation equipment;
 (C) wellhead assemblies;
 (D) holding and storage facilities;
 (E) drill rigs;
 (F) reinjection equipment;
 (G) metering devices;
 (H) cracking equipment;
 (I) well-site generators, transformers, and power lines;
 (J) equipment sheds;
 (K) pumps;
 (L) radio telemetry units; and
 (M) support and control equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	[97%]98%
[05]06	[95%]97%
[04]05	94%
[03]04	[87%]93%
[02]03	[80%]85%
[01]02	[72%]77%
[00]01	[64%]68%
[99]00	[55%]59%
[98]99	[46%]50%
[97]98	[38%]40%
[96]97	[29%]31%
[95]96	[20%]21%
[94]95 and prior	[10%]11%

[~~(s)~~](t) Class 21 - Commercial Trailers.

- (i) Examples of property in this class include:
 (A) dry freight van trailers;
 (B) refrigerated van trailers;
 (C) flat bed trailers;
 (D) dump trailers;
 (E) livestock trailers; and
 (F) tank trailers.

(ii) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, cost new shall include the value of attached equipment.

(iii) The [2007]2008 percent good applies to [2007]2008 models purchased in [2006]2007.

(iv) Commercial trailers have a residual taxable value of \$1,000.

TABLE 21

Model Year	Percent Good of Cost New
[07]08	95%
[06]07	[81%]89%
[05]06	[76%]83%
[04]05	[71%]78%
[03]04	[65%]73%
[02]03	[60%]67%
[01]02	[55%]62%
[00]01	[50%]57%
[99]00	[44%]52%
[98]99	[39%]46%
[97]98	[34%]41%
[96]97	[29%]36%
[95]96	[24%]30%
[94]95	[18%]25%
[93]94	[13%]20%
[92]93	[8%]14%
[91]92 and prior	[3%]9%

(u) Class 21a - Other Trailers (Non-Commercial).

(i) Because Section 59-2-405.2 subjects this class of trailers to an age-based uniform fee, a percent good schedule is not necessary.

[~~(u)~~](v) Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

[a](i) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

[b](ii) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary[for this class].

(w) Class 22a - Small Motor Vehicles.

(i) Because Section 59-2-405.2 subjects small motor vehicles to an age-based uniform fee, a percent good schedule is not necessary.

[~~(w)~~](x) Class 23 - Aircraft Subject to the Aircraft Uniform Fee and Not Listed in the Aircraft Bluebook Price Digest.

- (i) Examples of property in this class include:
 (A) kit-built aircraft;
 (B) experimental aircraft;
 (C) gliders;
 (D) hot air balloons; and
 (E) any other aircraft requiring FAA registration.

(ii) Aircraft subject to the aircraft uniform fee, but not listed in the Aircraft Bluebook Price Digest, are valued by applying the percent good factor against the acquisition cost of the aircraft.

(iii) Aircraft requiring Federal Aviation Agency registration and kept in Utah must be registered with the Motor Vehicle Division of the Tax Commission.

TABLE 23

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	75%
[05]06	71%
[04]05	67%
[03]04	63%
[02]03	59%
[01]02	55%
[00]01	51%
[99]00	47%
[98]99	[43%]43%
[97]98	[39%]39%

[96]97 [35%]35%
 [95]96 and prior [31%]31%

[02]03 [21%]22%
 [01]02 and prior 4%

~~(*)~~(y) Class 24 - Leasehold Improvements.

(i) This class includes leasehold improvements to real property installed by a tenant. The Class 24 schedule is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission rule R884-24P-32. Leasehold improvements include:

- (A) walls and partitions;
- (B) plumbing and roughed-in fixtures;
- (C) floor coverings other than carpet;
- (D) store fronts;
- (E) decoration;
- (F) wiring;
- (G) suspended or acoustical ceilings;
- (H) heating and cooling systems; and
- (I) iron or millwork trim.

(ii) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

(iii) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

Year of Installation	Percent of Installation Cost
[06]07	94%
[05]06	88%
[04]05	82%
[03]04	77%
[02]03	71%
[01]02	65%
[00]01	59%
[99]00	54%
[98]99	48%
[97]98	42%
[96]97	36%
[95]96 and prior	30%

~~(*)~~(z) Class 25 - Aircraft Parts Manufacturing Tools and Dies.

Property in this class is generally subject to rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry. Heavy wear and tear is also a factor in valuing this class of property.

(i) Examples of property in this class include:

- (A) aircraft parts manufacturing jigs and dies;
- (B) aircraft parts manufacturing molds;
- (C) aircraft parts manufacturing patterns;
- (D) aircraft parts manufacturing taps and gauges;
- (E) aircraft parts manufacturing test equipment; and
- (F) aircraft parts manufacturing fixtures.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 25

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	86%
[05]06	[71%]73%
[04]05	58%
[03]04	[40%]42%

~~(*)~~(aa) Class 26 - Personal Watercraft.

(i) Because Section 59-2-405.2 subjects ~~Class 26 property~~ personal watercraft to an age-based uniform fee, a percent good schedule is not necessary ~~for this class~~.

~~(*)~~(bb) Class 27 - Electrical Power Generating Equipment and Fixtures

(i) Examples of property in this class include:

- (A) electrical power generators; and
- (B) control equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 27

Year of Acquisition	Percent Good of Acquisition Cost
[06]07	97%
[05]06	95%
[04]05	92%
[03]04	90%
[02]03	87%
[01]02	84%
[00]01	82%
[99]00	79%
[98]99	77%
[97]98	74%
[96]97	71%
[95]96	69%
[94]95	66%
[93]94	64%
[92]93	61%
[91]92	58%
[90]91	56%
[89]90	53%
[88]89	51%
[87]88	48%
[86]87	45%
[85]86	43%
[84]85	40%
[83]84	38%
[82]83	35%
[81]82	32%
[80]81	30%
[79]80	27%
[78]79	25%
[77]78	22%
[76]77	19%
[75]76	17%
[74]75	14%
[73]74	12%
[72]73 and prior	9%

~~[F.—]~~The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, ~~[2007]~~2008.

KEY: taxation, personal property, property tax, appraisals
Date of Enactment or Last Substantive Amendment: 2007
Notice of Continuation:
Authorizing, and Implemented or Interpreted Law: Section 59-2-301



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).

Community and Culture, Arts and Museums **R207-1** Utah Arts Council General Program Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30288
FILED: 08/03/2007, 15:13

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 9-6-205 gives the board the authority to make, amend, or repeal rules in conducting the business of the division. It also empowers them to receive gifts, bequests, property, and to provide grants and awards for competitions. It mandates the board to make policy for the Division of Arts and Museums. This rule is required in order to ensure that the division establishes standards, rules, and guidelines for funding and competition opportunities. It also requires that the division notify the public of these opportunities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of the Utah Arts Council is to advance arts and culture and to engage every person in Utah in the arts. The division's goals are to increase awareness and understanding of the public value of arts and culture; to cultivate and formalize strategic partnerships; foster education and life-long participation; foster creativity and technological innovation in arts and culture; to invest in communities by strengthening the arts and cultural infrastructure; and to improve access to opportunities and

resources through efficient delivery of services. These goals and objects clearly address the mandate of the state statute. Therefore, this rule should be continued.

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

COMMUNITY AND CULTURE
ARTS AND MUSEUMS
617 E SOUTH TEMPLE
SALT LAKE CITY UT 84102-1177, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lynnette Hiskey at the above address, by phone at 801-236-7552, by FAX at 801-236-7556, or by Internet E-mail at lhiskey@utah.gov

AUTHORIZED BY: Margaret Hunt, Utah Arts Council Director

EFFECTIVE: 08/03/2007



Community and Culture, Arts and Museums **R207-2**

Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collections

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30287
FILED: 08/03/2007, 15:08

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 9-6-205 charges the board to set policy for the institute and for the division. This

includes purchases for, donations to, and loans from the Utah Art Collections.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is critical in that it outlines the procedures required to purchase new works of art, receive donated art, and the process in which the Arts Council loans art work from the State Art Collection to other state agencies. Therefore, this rule should be continued.

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

COMMUNITY AND CULTURE
ARTS AND MUSEUMS
617 E SOUTH TEMPLE
SALT LAKE CITY UT 84102-1177, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lynnette Hiskey at the above address, by phone at 801-236-7552, by FAX at 801-236-7556, or by Internet E-mail at lhiskey@utah.gov

AUTHORIZED BY: Margaret Hunt, Utah Arts Council Director

EFFECTIVE: 08/03/2007

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**Health, Health Systems Improvement,
Child Care Licensing
R430-3
General Child Care Facility Rules
Inspection and Enforcement**

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

DAR FILE No.: 30311
FILED: 08/13/2007, 15:13

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-39-104(1)(a) allows the Department of Health to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS

SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary in order for the Department of Health to continue to fulfill its statutory responsibility to regulate child care programs in order to protect the health and safety of the children in these programs.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
CHILD CARE LICENSING
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:

Teresa Whiting at the above address, by phone at 801-538-6320, by FAX at 801-538-6325, or by Internet E-mail at TWHITING@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 08/13/2007

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**Health, Health Systems Improvement,
Child Care Licensing
R430-6
Background Screening**

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

DAR FILE No.: 30308
FILED: 08/13/2007, 15:03

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-39-104(1)(a) allows the Department of Health to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule

is necessary in order for the Department of Health to continue to fulfill its statutory responsibility to regulate child care programs in order to protect the health and safety of the children in these programs.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
CHILD CARE LICENSING
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:
Teresa Whiting at the above address, by phone at 801-538-6320, by FAX at 801-538-6325, or by Internet E-mail at TWHITING@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 08/13/2007

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**Health, Health Systems Improvement,
Child Care Licensing
R430-30
Adjudicative Procedure**

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

DAR FILE NO.: 30309
FILED: 08/13/2007, 15:05

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-39-104(1)(a) allows the Department of Health to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary in order for the Department of Health to continue to fulfill its statutory responsibility to regulate child care programs in order to protect the health and safety of the children in these programs.

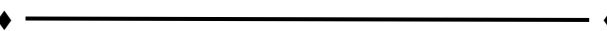
THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
CHILD CARE LICENSING
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:
Teresa Whiting at the above address, by phone at 801-538-6320, by FAX at 801-538-6325, or by Internet E-mail at TWHITING@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 08/13/2007



**Health, Health Systems Improvement,
Child Care Licensing
R430-100
Child Care Centers**

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

DAR FILE NO.: 30310
FILED: 08/13/2007, 15:07

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-39-104(1)(a) allows the Department of Health to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary in order for the Department of Health to continue to fulfill its statutory responsibility to regulate child care programs in order to protect the health and safety of the children in these programs.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
CHILD CARE LICENSING
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:
Teresa Whiting at the above address, by phone at 801-538-6320, by FAX at 801-538-6325, or by Internet E-mail at TWHITING@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 08/13/2007

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**Human Services, Child and Family
Services**
R512-1
Description of Division Services,
Eligibility, and Service Access

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

DAR FILE NO.: 30289
FILED: 08/07/2007, 13:32

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Sections 62A-4a-103 and 62A-4a-105 authorize the Division of Child and Family Services to provide programs and services that support the strengthening of families in Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary to assist the Division of Child and Family Services in carrying out its statutory requirements.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
Room 225
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Miller at the above address, by phone at 801-538-4451, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@utah.gov

AUTHORIZED BY: Duane Betournay, Director

EFFECTIVE: 08/07/2007

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**Human Services, Child and Family
Services**
R512-2
Title IV-B Child Welfare/Family
Preservation and Support Services and
Title I-VE Foster Care, Adoption, and
Independent Living

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

DAR FILE NO.: 30290
FILED: 08/07/2007, 13:32

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-4a-105 requires the Division of Child and Family Services to provide child welfare system programs and services to the citizens of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is needed for the Division of Child and Family Services to follow federal child welfare system requirements. Therefore, this rule should be continued. There are nonsubstantive revisions to update this rule being made and will be filed soon.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
Room 225
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Miller at the above address, by phone at 801-538-4451, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@utah.gov

AUTHORIZED BY: Duane Betournay, Director

EFFECTIVE: 08/07/2007

Human Services, Child and Family
Services
R512-31

Foster Parent Due Process

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

DAR FILE No.: 30291
FILED: 08/07/2007, 13:34

**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 62A-4a-206 requires that a foster parent has a right to due process when a decision is made to remove a child from a foster home if the foster parent disagrees with the decision.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required for the Division of Child and Family Services to continue with the due process allowed for foster parents in accordance with Section 62A-4a-206.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
Room 225
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Miller at the above address, by phone at 801-538-4451, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@utah.gov

AUTHORIZED BY: Duane Betournay, Director

EFFECTIVE: 08/07/2007

Human Services, Child and Family
Services

R512-40

Adoptive Home Studies, Recruitment,
Approval

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

DAR FILE No.: 30292
FILED: 08/07/2007, 13:34

**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: Sections 62A-4a-106 and 78-30-1 require the Division of Child and Family Services to provide adoption services to the citizens of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to provide services to persons applying for adoptive placement of special needs children. There are some nonsubstantive revisions to update citations to this rule in process which will be filed soon.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
Room 225
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Miller at the above address, by phone at 801-538-4451, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@utah.gov

AUTHORIZED BY: Duane Betournay, Director

EFFECTIVE: 08/07/2007

Human Services, Child and Family
Services
R512-42
Adoption by Relatives

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

DAR FILE No.: 30293
FILED: 08/07/2007, 13:35

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Sections 62A-4a-106 and 78-30-1 require the Division of Child and Family Services to provide adoption services to the citizens of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to provide services to persons applying for adoptive placement of children of relatives.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
Room 225
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Miller at the above address, by phone at 801-538-4451, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@utah.gov

AUTHORIZED BY: Duane Betournay, Director

EFFECTIVE: 08/07/2007

◆ ————— ◆
Labor Commission, Administration
R600-2
Operations

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

DAR FILE No.: 30316
FILED: 08/15/2007, 08:56

**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 34A-1-104 authorizes the Labor Commission to adopt rules necessary to administer the Workers' Compensation Act, the Occupational Disease Act, the Antidiscrimination Act, and the Occupational Safety and Health Act. Pursuant to that authority, and in order to provide for the orderly conduct of Commission business, the Commission has adopted Rule R600-2, which establishes the Commission's regular business hours.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: During the last five-year period, the Commission has received no written comments supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As part of its duty to administer the various statutes identified above, the Commission is required to establish standards for conduct of Commission business, including rules for hours of business and filing of business document. This rule should be continued to achieve those purposes.

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

LABOR COMMISSION
ADMINISTRATION
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:

Alan Hennebold at the above address, by phone at 801-530-6937, by FAX at 801-530-6390, or by Internet E-mail at ahennebold@utah.gov

AUTHORIZED BY: Sherrie Hayashi, Commissioner

EFFECTIVE: 08/15/2007

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Labor Commission, Adjudication
R602-1
General Provisions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30317
 FILED: 08/15/2007, 09:01

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 34A-1-104 authorizes the Labor Commission to adopt rules and conduct adjudicative proceedings. In order to administer an orderly system of adjudication, it is necessary for the Commission to use its rulemaking authority to set standards for computing filing deadlines and other time limits involved in the adjudicative process, and to set witness fees.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during the last five-year review period.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes standards for computing time limits for the Commission's adjudicative process. Because the Commission continues to conduct such adjudicative proceedings, Rule R602-1 remains necessary to govern those proceedings. Therefore, this rule should be continued.

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

LABOR COMMISSION
 ADJUDICATION
 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:
 Richard M. Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at rlajeunesse@utah.gov

AUTHORIZED BY: Sherrie Hayashi, Commissioner

EFFECTIVE: 08/15/2007



Labor Commission, Adjudication
R602-2
 Adjudication of Workers' Compensation
 and Occupational Disease Claims

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30318
 FILED: 08/15/2007, 09:02

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 34A-1-104 authorizes the Labor Commission to conduct adjudicative proceedings to resolve workers' compensation and occupational disease claims. Sections 34A-1-104 and 34A-2-802 also authorize the Commission to adopt rules to carry out its adjudicative functions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during the last five-year review period.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As part of the Commission's continuing responsibility to administer a system for adjudication of workers' compensation and occupational disease claims, it is necessary for the Commission to establish procedures for pleadings and discovery, standards for use and compensation of medical panels, as well as standards for awarding attorney's fees and evaluating settlement agreements. Therefore, this rule should be continued.

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

LABOR COMMISSION
 ADJUDICATION
 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:
 Richard M. Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at rlajeunesse@utah.gov

AUTHORIZED BY: Sherrie Hayashi, Commissioner

EFFECTIVE: 08/15/2007



Labor Commission, Industrial Accidents
R612-1
 Workers' Compensation Rules -
 Procedures

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

DAR FILE No.: 30320
FILED: 08/15/2007, 09:12

**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 34A-1-104 gives the Labor Commission authority to establish rules to administer the Workers' Compensation Act and the Occupational Disease 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: No written comments have been received during the last five-year review period.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: In light of the Commission's continuing responsibility to administer Utah's workers' compensation system, it remains necessary for the Commission to address a wide variety of administrative issues, such as definition of terms, designation of official forms, payment standards, and processing of claims. It is also necessary for the Commission to address methods for proof of claims and to establish the amount of certain benefits, such as burial expenses. Therefore, this rule should be continued.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
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:

Joyce Sewell at the above address, by phone at 801-530-6988, by FAX at 801-530-6804, or by Internet E-mail at jsewell@utah.gov

AUTHORIZED BY: Sherrie Hayashi, Commissioner

EFFECTIVE: 08/15/2007



**Natural Resources, Wildlife Resources
R657-28
Use of Division Lands**

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

DAR FILE No.: 30313
FILED: 08/14/2007, 07:17

**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 23-14-8 authorizes the director of the Division of Wildlife Resources full control of all property acquired and held for the purposes specified in this title.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have not received written comments, either in support or opposition to Rule R657-28 since the last five-year review on 06/20/2002.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of Rule R657-28 is necessary to provide the application procedures and administration of rights-of-way, leases, and special use permits on division land.

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:

Staci Coons at the above address, by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

AUTHORIZED BY: James F Karpowitz, Director

EFFECTIVE: 08/14/2007



**School and Institutional Trust Lands,
Administration
R850-100
Trust Land Management Planning**

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

DAR FILE No.: 30325
FILED: 08/15/2007, 11:13

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 53C-1-302(1)(a)(ii) and 53C-2-201(3) require that planning procedures be developed for trust lands and for the

opportunity for the public to participate in the planning processes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The agency manages a vast surface and mineral estate for the benefit of the trust beneficiaries. This rule provides the guidelines that allows the public to participate with the agency in determining the activities allowed and the manner in which they are allowed. Therefore, this rule should be continued.

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:
Kim S. Christy at the above address, by phone at 801-538-5183, by FAX at 801-355-0922, or by Internet E-mail at kimchristy@utah.gov

AUTHORIZED BY: Kevin S. Carter, Director

EFFECTIVE: 08/15/2007

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to provide notice to the traveling public of those roads for which UDOT will provide snow removal services and which roads will be closed during the winter. The rule is also necessary in order to provide clear directions to property owners and snow resort owners of their responsibilities for snow removal on private property and to designate areas where UDOT will not provide snow removal services, e.g., sidewalks and parking lots. Therefore, this rule should be continued.

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

TRANSPORTATION
OPERATIONS, MAINTENANCE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 08/09/2007

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**Transportation, Operations,
Maintenance
R918-3
Snow Removal**

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

DAR FILE NO.: 30296
FILED: 08/09/2007, 16:34

**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 72-1-201 requires the Utah Department of Transportation (UDOT) to keep the roads safe and reliable. Section 72-1-205 requires UDOT to maintain Region offices to carry out road safety measures. Section 72-1-303 gives the Transportation Commission the authority to advise the Department.

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**Transportation, Operations, Traffic and
Safety
R920-1
Manual of Uniform Traffic Control
Devices**

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

DAR FILE NO.: 30306
FILED: 08/13/2007, 11:08

**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 72-1-201 gives the Utah Department of Transportation (UDOT) the responsibility for road safety and authorizes it to enact rules designed to maintain and increase safety.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule to adopt the Manual of Uniform Traffic Control Devices as approved by the Federal Highway administration. The rule is necessary in order to provide guidance, information, and standards for UDOT and increases safety for pedestrians and drivers using state roads. Therefore, this rule should be continued.

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

TRANSPORTATION
OPERATIONS, TRAFFIC AND SAFETY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 08/13/2007



Transportation, Operations, Traffic and Safety
R920-3
Manual of Uniform Traffic Control Devices, Part VI

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30299
FILED: 08/10/2007, 14:55

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 72-1-201 gives the Utah Department of Transportation (UDOT) the responsibility for road safety and the authority to make safety rules. Section 72-6-115 gives responsibility to UDOT to implement and administer traffic systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS

SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule helps to maintain safety on UDOT roads. Therefore, this rule should be continued.

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

TRANSPORTATION
OPERATIONS, TRAFFIC AND SAFETY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 08/10/2007



Transportation, Operations, Traffic and Safety
R920-4
Permit for Special Road Use or Event

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30300
FILED: 08/10/2007, 15:38

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 41-22-15 requires a permit in order to have a race or organized event on Utah roads.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: State law requires that permits be obtained by those who are conducting races or other events involving Utah's roads. The permit process in this rule is designed to insure that those who use the roads

are safe, and that organizers act responsibly. Therefore, this rule should be continued.

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

TRANSPORTATION
OPERATIONS, TRAFFIC AND SAFETY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 08/10/2007



Transportation, Operations, Traffic and
Safety
R920-5

Manual and Specifications on School
Crossing Zones. Supplemental to Part
VII of the Manual on Uniform Traffic
Control Devices

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

DAR FILE No.: 30301
FILED: 08/10/2007, 16:23

**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 41-6a-301 requires the Utah Department of Transportation (UDOT) to make rules regarding school crossing zones.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule adopts by reference the Utah Traffic Controls for School Zones. The purpose of the adoption is to provide guidance, information, and standards that maintain and increase safety for school crossing zones. Without the rule, accidents and injuries would likely increase. Therefore, this rule should be continued.

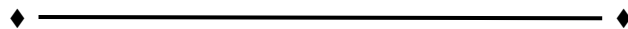
THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TRANSPORTATION
OPERATIONS, TRAFFIC AND SAFETY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 08/10/2007



Transportation, Operations, Traffic and
Safety
R920-6
Snow Tire and Chain Requirements

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

DAR FILE No.: 30303
FILED: 08/13/2007, 09:22

**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 72-1-201 gives the Utah Department of Transportation (UDOT) the responsibility for road safety. Section 72-3-102 gives UDOT jurisdiction and control over all state roads. Section 41-61-302 allows UDOT to place and maintain traffic control devices on state roads.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

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 in order to safeguard the life, health, property, and welfare of citizens while using passenger ropeways. Failure to keep this rule would likely result in an increase of injuries and accidents. Therefore, this rule should be continued.

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

TRANSPORTATION
OPERATIONS, TRAFFIC AND SAFETY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W

SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 08/13/2007



Transportation, Operations, Traffic and
Safety
R920-50
Ropeway Operation Safety Rules

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

DAR FILE No.: 30304
FILED: 08/13/2007, 10:00

**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 72-11-21 grants the Utah Department of Transportation the authority to enact ropeway rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary in order to safeguard the life, health, property, and welfare of citizens while using passenger ropeways. Failure to keep this rule would likely result in an increase increase of injuries and accidents. Therefore, this rule should be continued.

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

TRANSPORTATION
OPERATIONS, TRAFFIC AND SAFETY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 08/13/2007



Transportation, Operations, Traffic and
Safety
R920-51
Safety Regulations for Railroads

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

DAR FILE No.: 30305
FILED: 08/13/2007, 10:49

**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 54-4-14 grants the Utah Department of Transportation (UDOT) the authority for safety functions and railroads in conjunction with federal law. Section 56-2-4 grants UDOT investigatory powers over unsafe railroad equipment.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule incorporates federal standards contributing to the safety of the public. Therefore, this rule should be continued.

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

TRANSPORTATION
OPERATIONS, TRAFFIC AND SAFETY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 08/13/2007



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*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63-46a-4(9).

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Agriculture and Food

Animal Industry

No. 29912 (AMD): R58-1. Admission and Inspection of Livestock, Poultry, and Other Animals.
Published: June 1, 2007
Effective: August 7, 2007

No. 30045 (REP): R58-8. Testing and Vaccination of Bovine Livestock for Brucellosis Control.
Published: July 1, 2007
Effective: August 7, 2007

Regulatory Services

No. 30100 (AMD): R70-330. Raw Milk for Retail.
Published: July 1, 2007
Effective: August 7, 2007

No. 29970 (NEW): R70-550. Utah Inland Shellfish Safety Program.
Published: June 15, 2007
Effective: August 7, 2007

No. 30062 (NEW): R70-560. Inspection and Regulation of Cottage Food Production Operations.
Published: July 1, 2007
Effective: August 7, 2007

Education

Administration

No. 30086 (NEW): R277-110. Legislative Supplemental Salary Adjustment.
Published: July 1, 2007
Effective: August 7, 2007

No. 30087 (AMD): R277-413. Accreditation of Secondary Schools.
Published: July 1, 2007
Effective: August 7, 2007

No. 30088 (AMD): R277-459. Classroom Supplies Appropriation.
Published: July 1, 2007
Effective: August 7, 2007

No. 30089 (AMD): R277-462. Comprehensive Guidance Program.

Published: July 1, 2007
Effective: August 7, 2007

No. 30090 (NEW): R277-467. Distribution of Funds Appropriated for Library Books and Electronic Resources.

Published: July 1, 2007
Effective: August 7, 2007

No. 30091 (AMD): R277-469. Instructional Materials Commission Operating Procedures.

Published: July 1, 2007
Effective: August 7, 2007

No. 30092 (AMD): R277-470. Charter Schools.

Published: July 1, 2007
Effective: August 7, 2007

No. 30093 (AMD): R277-473. Testing Procedures.

Published: July 1, 2007
Effective: August 7, 2007

No. 30094 (REP): R277-481. Charter School Accountability and Assistance.

Published: July 1, 2007
Effective: August 7, 2007

No. 30095 (AMD): R277-484. Data Standards, Deadlines and Procedures.

Published: July 1, 2007
Effective: August 7, 2007

No. 30096 (REP): R277-487. Charter School Revolving Loan Fund.

Published: July 1, 2007
Effective: August 7, 2007

No. 30097 (R&R): R277-510. Educator Licensing - Highly Qualified Teachers.

Published: July 1, 2007
Effective: August 7, 2007

No. 30098 (AMD): R277-713. Concurrent Enrollment of High School Students in College Courses.

Published: July 1, 2007
Effective: August 7, 2007

Health

Health Care Financing, Coverage and Reimbursement

Policy

No. 29808 (NEW): R414-60B. Preferred Drug List.
Published: May 1, 2007
Effective: August 14, 2007

No. 29808 (CPR): R414-60B. Preferred Drug List.
Published: June 15, 2007
Effective: August 14, 2007

Health Systems Improvement, Emergency Medical Services

No. 29944 (AMD): R426-12. Emergency Medical Services Training and Certification Standards.
Published: June 1, 2007
Effective: August 8, 2007

Human Services

Services for People with Disabilities

No. 30085 (AMD): R539-9. Supported Employment Pilot Program.
Published: July 1, 2007
Effective: August 7, 2007

Insurance

Administration

No. 30042 (AMD): R590-93. Replacement of Life Insurance and Annuities.
Published: July 1, 2007
Effective: August 8, 2007

No. 30080 (AMD): R590-153-6. Permitted Advertising and Business Entertainment.
Published: July 1, 2007
Effective: August 8, 2007

No. 30102 (AMD): R590-240-5. Exemption Requirements.
Published: July 1, 2007
Effective: August 8, 2007

No. 30082 (NEW): R590-241. Rule to Recognize the Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities.
Published: July 1, 2007
Effective: August 8, 2007

Judicial Conduct Commission

No. 29924 (AMD): R595-2-1. Executive Committee.
Published: June 1, 2007
Effective: September 1, 2007

Natural Resources

Parks and Recreation

No. 30025 (AMD): R651-201. Definitions.
Published: July 1, 2007
Effective: August 7, 2007

No. 30026 (AMD): R651-206. Carrying Passengers for Hire.
Published: July 1, 2007
Effective: August 7, 2007

No. 30027 (AMD): R651-215. Personal Flotation Devices.
Published: July 1, 2007
Effective: August 7, 2007

No. 30028 (AMD): R651-217. Fire Extinguishers.
Published: July 1, 2007
Effective: August 7, 2007

No. 30029 (AMD): R651-219-5. Equipment Good and Serviceable.
Published: July 1, 2007
Effective: August 7, 2007

No. 30030 (AMD): R651-221-1. Boat Livery Agreements.
Published: July 1, 2007
Effective: August 7, 2007

Wildlife Resources

No. 30063 (AMD): R657-5. Taking Big Game.
Published: July 1, 2007
Effective: August 7, 2007

No. 30064 (AMD): R657-6. Taking Upland Game.
Published: July 1, 2007
Effective: August 7, 2007

No. 30065 (AMD): R657-9. Taking Waterfowl, Common Snipe and Coot.
Published: July 1, 2007
Effective: August 7, 2007

No. 30066 (AMD): R657-10. Taking Cougar.
Published: July 1, 2007
Effective: August 7, 2007

No. 30067 (AMD): R657-13. Taking Fish and Crayfish.
Published: July 1, 2007
Effective: August 7, 2007

No. 30068 (AMD): R657-17. Lifetime Hunting and Fishing License.
Published: July 1, 2007
Effective: August 7, 2007

No. 30083 (REP): R657-18. Wood Products on Division of Wildlife Resources Lands.
Published: July 1, 2007
Effective: August 7, 2007

No. 30077 (AMD): R657-26. Adjudicative Proceedings for a License, Permit, or Certificate of Registration.
Published: July 1, 2007
Effective: August 7, 2007

NOTICES OF RULE EFFECTIVE DATES

No. 30084 (AMD): R657-28. Use of Division Lands - Rights-of-Way, Leases, and Special Use Permits.
Published: July 1, 2007
Effective: August 7, 2007

No. 30069 (AMD): R657-33. Taking Bear.
Published: July 1, 2007
Effective: August 7, 2007

No. 30070 (AMD): R657-38. Dedicated Hunter Program.
Published: July 1, 2007
Effective: August 7, 2007

No. 30071 (AMD): R657-41. Conservation and Sportsman Permits.
Published: July 1, 2007
Effective: August 7, 2007

No. 30076 (AMD): R657-42. Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents.
Published: July 1, 2007
Effective: August 7, 2007

No. 30072 (AMD): R657-43. Landowner Permits.
Published: July 1, 2007
Effective: August 7, 2007

No. 30073 (AMD): R657-44. Big Game Depredation.
Published: July 1, 2007
Effective: August 7, 2007

No. 30074 (AMD): R657-54. Taking Wild Turkey.
Published: July 1, 2007
Effective: August 7, 2007

No. 30075 (AMD): R657-55. Wildlife Convention Permits.
Published: July 1, 2007
Effective: August 7, 2007

No. 30078 (AMD): R657-56. Recreational Lease of Private Lands for Free Public Walk-in Access.
Published: July 1, 2007
Effective: August 7, 2007

Public Education Job Enhancement Program

Job Enhancement Committee

No. 30099 (AMD): R690-100. Public Education Job Enhancement Program Participant Eligibility and Requirements.
Published: July 1, 2007
Effective: August 7, 2007

Workforce Services

Unemployment Insurance

No. 30106 (AMD): R994-315-103. Reporting Formats.
Published: July 1, 2007
Effective: August 8, 2007

No. 29855 (AMD): R994-405. Ineligibility for Benefits.
Published: May 15, 2007
Effective: August 8, 2007

No. 30104 (AMD): R994-405-3. Professional Employment Organizations (PEO).
Published: July 1, 2007
Effective: August 8, 2007

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, 2007, including notices of effective date received through August 15, 2007, the effective dates of which are no later than September 1, 2007. 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. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. 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>Administration</u>					
R13-2	Access to Records	29771	5YR	04/02/2007	2007-8/119
R13-2	Access to Records	29772	AMD	05/22/2007	2007-8/3
<u>Administrative Rules</u>					
R15-3-5	Statutory Provisions that Require Rulemaking Pursuant to Subsection 63-46a-4(11)	29554	AMD	04/30/2007	2007-6/5
R15-4-10	Estimates of Anticipated Cost or Savings, and Compliance Cost	30111	EMR	07/01/2007	2007-14/38
R15-4-10	Estimates of Anticipated Cost or Savings, and Compliance Costs	30112	AMD	08/24/2007	2007-14/3
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	29965	5YR	05/24/2007	2007-12/59
R23-19	Facility Use Rules	29964	5YR	05/24/2007	2007-12/59

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R23-19	Facility Use Rule	29812	R&R	06/07/2007	2007-9/3
R23-20	Free Speech Activities	29811	NEW	06/07/2007	2007-9/11
R23-25	Administrative Rules Adjudicative Proceedings	29474	AMD	04/11/2007	2007-4/2
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	29910	AMD	07/03/2007	2007-10/3
R25-7-6	Travel-Related Reimbursements for State Employees	29953	AMD	08/01/2007	2007-12/6
R25-14	Payment of Attorneys Fees in Death Penalty Cases	29424	5YR	01/17/2007	2007-4/54
<u>Fleet Operations</u>					
R27-4	Vehicle Replacement and Expansion of State Fleet	30212	5YR	07/25/2007	2007-16/57
R27-5	Fleet Tracking	29457	5YR	01/29/2007	2007-4/54
R27-6	Fuel Dispensing Program	29515	5YR	02/14/2007	2007-5/19
R27-8	State Vehicle Maintenance Program	29534	5YR	02/21/2007	2007-6/36
R27-10	Identification Mark for State Motor Vehicles	29939	5YR	05/14/2007	2007-11/84
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	29550	5YR	02/26/2007	2007-6/36
R28-7	Surplus Property Rate Schedule	29946	5YR	05/15/2007	2007-11/84
<u>Records Committee</u>					
R35-2-2	Declining Requests for Hearings	29081	AMD	01/05/2007	2006-20/2
<u>Risk Management</u>					
R37-1	Risk Management General Rules	30046	5YR	06/08/2007	2007-13/140
R37-2	Risk Management State Workers' Compensation Insurance Administration	30047	5YR	06/08/2007	2007-13/140
R37-3	Risk Management Adjudicative Proceedings	30048	5YR	06/08/2007	2007-13/141
Agriculture and Food					
<u>Administration</u>					
R51-2	Administration Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	29405	5YR	01/11/2007	2007-3/56
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	29506	5YR	02/08/2007	2007-5/19
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	29912	AMD	08/07/2007	2007-11/4
R58-6	Poultry	29504	5YR	02/08/2007	2007-5/20
R58-8	Testing and Vaccination of Bovine Livestock for Brucellosis Control (5YR EXTENSION)	29512	NSC	06/07/2007	Not Printed
R58-8	Testing and Vaccination of Bovine Livestock for Brucellosis Control	30041	5YR	06/07/2007	2007-13/142
R58-8	Testing and Vaccination of Bovine Livestock for Brucellosis Control	30045	REP	08/07/2007	2007-13/3
R58-18	Elk Farming	29505	5YR	02/08/2007	2007-5/20
R58-22	Equine Infectious Anemia (EIA)	29503	5YR	02/08/2007	2007-5/21
R58-23	Equine Viral Arteritis (EVA)	29342	NEW	02/28/2007	2007-1/5
<u>Plant Industry</u>					
R68-19	Compliance Procedures	29453	5YR	01/29/2007	2007-4/55
R68-20	Utah Organic Standards	29347	AMD	02/28/2007	2007-1/6

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Regulatory Services</u>					
R70-201	Compliance Procedures	29492	5YR	02/02/2007	2007-5/21
R70-320	Minimum Standards for Milk for Manufacturing Purposes, its Production and Processing	29507	5YR	02/08/2007	2007-5/22
R70-330	Raw Milk for Retail	30100	AMD	08/07/2007	2007-13/3
R70-350	Ice Cream and Frozen Dairy Foods Standards	29499	5YR	02/05/2007	2007-5/22
R70-360	Procedure for Obtaining a License to Test Milk for Payment	29500	5YR	02/05/2007	2007-5/23
R70-530	Food Protection	29632	5YR	03/12/2007	2007-7/149
R70-550	Utah Inland Shellfish Safety Program	29970	NEW	08/07/2007	2007-12/7
R70-560	Inspection and Regulation of Cottage Food Production Operations	30062	NEW	08/07/2007	2007-13/7
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1-3	General Policies	29881	AMD	06/29/2007	2007-10/6
R81-1-3	General Policies	30168	NSC	07/30/2007	Not Printed
R81-1-6	Violation Schedule	29439	AMD	03/30/2007	2007-4/4
R81-1-6	Violation Schedule	30166	AMD	08/27/2007	2007-14/4
R81-1-21	Beer Advertising in Event Venues	30169	NSC	07/30/2007	Not Printed
R81-1-25	Sexually-Oriented Entertainers and Stage Approvals	29898	AMD	06/29/2007	2007-10/8
R81-1-26	Criminal History Background Checks	29440	AMD	03/30/2007	2007-4/6
R81-4D-1	Licensing	30167	NSC	07/30/2007	Not Printed
Attorney General					
<u>Administration</u>					
R105-2	Records Access and Management	30037	5YR	06/05/2007	2007-13/142
Capitol Preservation Board (State)					
<u>Administration</u>					
R131-3	Use of Magnetometers on Capitol Hill	29952	5YR	05/16/2007	2007-12/60
Commerce					
<u>Administration</u>					
R151-2	Government Records Access and Management Act Rules	29524	5YR	02/15/2007	2007-5/23
R151-3	Americans With Disabilities Act Rules	29903	5YR	05/01/2007	2007-10/105
R151-33	Pete Suazo Utah Athletic Commission Act Rule	29927	5YR	05/10/2007	2007-11/85
R151-33	Pete Suazo Utah Athletic Commission Act Rule	30164	NSC	07/05/2007	Not Printed
R151-35	Powersport Vehicle Franchise Act Rule	30195	5YR	07/13/2007	2007-15/61
<u>Consumer Protection</u>					
R152-6	Utah Administrative Procedures Act Rules	30118	5YR	06/22/2007	2007-14/42
R152-11	Utah Consumer Sales Practices Act	29470	5YR	02/01/2007	2007-4/55
R152-15	Business Opportunity Disclosure Act Rules	30119	5YR	06/22/2007	2007-14/42
R152-20	New Motor Vehicle Warranties	29862	5YR	04/26/2007	2007-10/105
R152-20-2	Definitions	29412	AMD	03/20/2007	2007-3/4
R152-22	Charitable Solicitations Act	29427	AMD	04/02/2007	2007-4/8
R152-22	Charitable Solicitations Act	30120	5YR	06/22/2007	2007-14/43
R152-23	Utah Health Spa Services	29238	AMD	01/23/2007	2006-24/3
R152-23	Utah Health Spa Services	30121	5YR	06/22/2007	2007-14/43

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R152-26	Telephone Fraud Prevention Act	29379	AMD	02/23/2007	2007-2/3
R152-26	Telephone Fraud Prevention Act	29594	5YR	03/05/2007	2007-7/149
R152-34	Postsecondary Proprietary School Act Rules	29710	AMD	05/22/2007	2007-8/4
R152-34	Postsecondary Proprietary School Act Rules	30101	5YR	06/15/2007	2007-13/142
R152-42	Uniform Debt-Management Services Act Rules	29413	CPR	05/22/2007	2007-8/114
R152-42	Uniform Debt-Management Services Act Rules	29413	NEW	05/22/2007	2007-3/5
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	29586	5YR	03/01/2007	2007-6/37
R156-1-102	Definitions	29555	NSC	03/09/2007	Not Printed
R156-3a	Architect Licensing Act Rules	30113	AMD	08/23/2007	2007-14/7
R156-9-302a	Qualifications for Licensure - Examination Requirements	29391	AMD	03/13/2007	2007-3/6
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules	29013	CPR	01/11/2007	2006-23/87
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rules	29013	AMD	01/11/2007	2006-19/5
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules	29432	AMD	03/27/2007	2007-4/9
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule	29810	5YR	04/12/2007	2007-9/33
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule	30158	AMD	08/21/2007	2007-14/10
R156-16a	Optometry Practice Act Rules	29871	5YR	04/26/2007	2007-10/106
R156-17b	Pharmacy Practice Act Rules	29770	AMD	05/24/2007	2007-8/8
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	29355	AMD	02/22/2007	2007-2/3
R156-24a	Physical Therapist Practice Act Rules	29459	5YR	01/30/2007	2007-4/56
R156-26a	Certified Public Accountant Licensing Act Rules	29473	5YR	02/01/2007	2007-4/56
R156-28	Veterinary Practice Act Rules	29472	5YR	02/01/2007	2007-4/57
R156-37	Utah Controlled Substance Act Rules	29696	5YR	03/15/2007	2007-7/150
R156-40-302c	Qualifications for Licensure - Examination Requirements	29825	NSC	04/26/2007	Not Printed
R156-40a	Athletic Trainer Licensing Act Rule	29353	NEW	02/22/2007	2007-2/9
R156-41	Speech-Language Pathology and Audiology Licensing Act Rules	29471	5YR	02/01/2007	2007-4/57
R156-42a	Occupational Therapy Practice Act Rules	29356	AMD	02/22/2007	2007-2/11
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	29396	5YR	01/09/2007	2007-3/56
R156-56	Utah Uniform Building Standard Act Rules	29122	AMD	01/01/2007	2006-21/33
R156-56	Utah Uniform Building Standard Act Rules	29357	NSC	01/01/2007	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	29120	AMD	01/01/2007	2006-21/5
R156-56	Utah Uniform Building Standard Act Rules	29393	AMD	03/13/2007	2007-3/7
R156-56	Utah Uniform Building Standard Act Rules	29745	5YR	03/29/2007	2007-8/119
R156-56	Utah Uniform Building Standard Act Rules	30132	NSC	07/01/2007	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	29863	AMD	07/01/2007	2007-10/21
R156-56	Utah Uniform Building Standard Act Rules	29866	AMD	07/01/2007	2007-10/10
R156-56-704	Statewide Amendments to the IBC	29078	AMD	03/27/2007	2006-20/10
R156-56-704	Statewide Amendments to the IBC	29078	CPR	03/27/2007	2007-4/48

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-56-704	Statewide Amendments to the IBC	29865	AMD	07/01/2007	2007-10/25
R156-56-711	Statewide Amendments to the IRC	29075	AMD	01/01/2007	2006-20/13
R156-57	Respiratory Care Practices Act Rules	29354	AMD	02/22/2007	2007-2/12
R156-63	Security Personnel Licensing Act Rules	29915	AMD	07/19/2007	2007-11/8
R156-64	Deception Detection Examiners Licensing Act Rules	29803	5YR	04/09/2007	2007-9/33
R156-70a	Physician Assistant Practice Act Rules	29564	5YR	02/27/2007	2007-6/38
R156-71	Naturopathic Physician Practice Act Rules	29394	5YR	01/08/2007	2007-3/57
R156-72	Acupuncture Licensing Act Rules	29395	5YR	01/09/2007	2007-3/57
R156-72-302c	Informed Consent	29735	NSC	04/12/2007	Not Printed
R156-75	Genetic Counselor Licensing Act Rules	29397	5YR	01/09/2007	2007-3/58
R156-76	Professional Geologist Licensing Act Rules	29905	5YR	05/01/2007	2007-10/106
R156-78A	Prelitigation Panel Review Rules	29804	5YR	04/09/2007	2007-9/34
<u>Real Estate</u>					
R162-1	Authority and Definitions	29832	5YR	04/18/2007	2007-10/107
R162-1-2	Definitions	29738	AMD	05/30/2007	2007-8/18
R162-2	Exam and License Application Requirements	29831	5YR	04/18/2007	2007-10/107
R162-3	License Status Changes	29833	5YR	04/18/2007	2007-10/108
R162-3-6	Renewal and Reinstatement	29736	AMD	05/30/2007	2007-8/20
R162-4	Office Procedures - Real Estate Principal Brokerage	29834	5YR	04/18/2007	2007-10/108
R162-5	Property Management	29827	5YR	04/18/2007	2007-10/109
R162-5-1	Definition	30203	NSC	08/14/2007	Not Printed
R162-6	Licensee Conduct	29835	5YR	04/18/2007	2007-10/109
R162-6-1	Improper Practices	29769	AMD	05/30/2007	2007-8/23
R162-7	Enforcement	29851	5YR	04/19/2007	2007-10/110
R162-7-2	Notice of Complaint	29740	AMD	05/30/2007	2007-8/26
R162-8	Prelicensing Education	29836	5YR	04/18/2007	2007-10/110
R162-8	Prelicensing Education	29719	AMD	05/30/2007	2007-8/27
R162-9	Continuing Education	29224	AMD	01/17/2007	2006-23/3
R162-9	Continuing Education	29837	5YR	04/18/2007	2007-10/111
R162-9	Continuing Education	29718	AMD	05/30/2007	2007-8/33
R162-101	Authority and Definitions	29828	5YR	04/18/2007	2007-10/111
R162-102	Application Procedures	29523	5YR	02/15/2007	2007-5/24
R162-102	Application Procedures	29711	AMD	05/29/2007	2007-8/38
R162-102-3	Renewal	29989	NSC	06/11/2007	Not Printed
R162-103	Appraisal Education Requirements	29829	5YR	04/18/2007	2007-10/111
R162-104	Experience Requirement	29522	5YR	02/15/2007	2007-5/24
R162-104	Experience Requirement	29623	AMD	05/29/2007	2007-7/4
R162-106	Professional Conduct	29521	5YR	02/15/2007	2007-5/25
R162-106-5	Failure to Respond to Investigation	29546	AMD	04/25/2007	2007-6/6
R162-107	Unprofessional Conduct	30197	5YR	07/16/2007	2007-15/61
R162-109	Administrative Proceedings	29830	5YR	04/18/2007	2007-10/112
R162-202	Initial Application	29237	AMD	01/24/2007	2006-24/4
R162-202-1	Licensing Examination	29517	AMD	04/10/2007	2007-5/4
R162-202-5	Determining Fitness for Licensure	29545	AMD	05/01/2007	2007-6/7

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R162-203	Change to Residential Mortgage Licensure Statement	29516	AMD	04/10/2007	2007-5/4
R162-206	Licensing Examination	29518	REP	04/10/2007	2007-5/6
R162-207	License Renewal	29519	AMD	04/10/2007	2007-5/7
R162-207-6	Determining Fitness for Renewal	29544	AMD	05/01/2007	2007-6/8
R162-208	Continuing Education	29520	AMD	04/10/2007	2007-5/10
R162-210-6	Instructor Certification and Renewal	29429	NSC	02/12/2007	Not Printed
<u>Securities</u>					
R164-1	Fraudulent Practices	30258	5YR	07/30/2007	2007-16/57
R164-4	Licensing Requirements	30259	5YR	07/30/2007	2007-16/58
R164-5	Broker-Dealer and Investment Adviser Books and Records	30260	5YR	07/30/2007	2007-16/58
R164-6	Denial, Suspension or Revocation of a License	30261	5YR	07/30/2007	2007-16/59
R164-9	Registration by Coordination	30255	5YR	07/30/2007	2007-16/59
R164-10	Registration by Qualification	30256	5YR	07/30/2007	2007-16/60
R164-11	Registration Statement	30257	5YR	07/30/2007	2007-16/60
R164-12	Sales Commission	30264	5YR	07/30/2007	2007-16/61
R164-13	Definitions	30254	5YR	07/30/2007	2007-16/61
R164-14	Exemptions	30266	5YR	07/30/2007	2007-16/62
R164-15	Federal Covered Securities	30267	5YR	07/30/2007	2007-16/62
R164-18	Procedures	30265	5YR	07/30/2007	2007-16/62
R164-25	Record of Registration	30262	5YR	07/30/2007	2007-16/63
R164-26	Consent to Service of Process	30263	5YR	07/30/2007	2007-16/63
Community and Culture					
<u>Home Energy Assistance Target (HEAT)</u>					
R195-2	Energy Assistance Program Standards	30124	5YR	06/22/2007	2007-14/44
R195-2	Energy Assistance Programs Standards (5YR EXTENSION)	29982	NSC	06/22/2007	Not Printed
R195-3	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	30125	5YR	06/22/2007	2007-14/44
R195-3	Energy Assistance Income Standards, Income Eligibility, and Payment Determination (5YR EXTENSION)	29983	NSC	06/22/2007	Not Printed
R195-4	Energy Assistance: Asset Standards	30126	5YR	06/22/2007	2007-14/45
R195-4	Energy Assistance: Asset Standards (5YR EXTENSION)	29984	NSC	06/22/2007	Not Printed
R195-5	Energy Assistance: Program Benefits	30127	5YR	06/22/2007	2007-14/45
R195-5	Energy Assistance: Program Benefits (5YR EXTENSION)	29985	NSC	06/22/2007	Not Printed
R195-6	Energy Assistance: Eligibility Determination	30128	5YR	06/25/2007	2007-14/46
R195-6	Energy Assistance: Eligibility Determination (5YR EXTENSION)	29986	NSC	06/25/2007	Not Printed
R195-7	Energy Assistance: Records and Benefit Management (5YR EXTENSION)	29987	NSC	06/25/2007	Not Printed
R195-7	Energy Assistance: Records and Benefit Management	30130	5YR	06/25/2007	2007-14/46
R195-8	Energy Assistance: Special State Programs	30131	5YR	06/25/2007	2007-14/47
R195-8	Energy Assistance: Special State Programs (5YR EXTENSION)	29988	NSC	06/25/2007	Not Printed
<u>Fine Arts</u>					
R207-1	Utah Arts Council General Program Rules	29528	NSC	03/08/2007	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Arts and Museums</u>					
R207-1	Utah Arts Council General Program Rules	30288	5YR	08/03/2007	2007-17/56
<u>Fine Arts</u>					
R207-2	Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collections	29529	NSC	03/08/2007	Not Printed
<u>Arts and Museums</u>					
R207-2	Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collections	30287	5YR	08/03/2007	2007-17/56
<u>History</u>					
R212-1	Adjudicative Proceedings	30201	5YR	07/17/2007	2007-16/64
R212-12	Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds	30202	5YR	07/17/2007	2007-16/64
<u>Library</u>					
R223-1	Adjudicative Procedures	30079	5YR	06/13/2007	2007-13/143
Corrections					
<u>Administration</u>					
R251-106-3	Standards and Procedures	29531	AMD	05/01/2007	2007-6/9
R251-107	Executions	29533	AMD	05/01/2007	2007-6/11
R251-305	Visiting at Community Correctional Centers	29462	5YR	01/31/2007	2007-4/58
R251-306	Sponsors in Community Correctional Centers	29463	5YR	01/31/2007	2007-4/58
R251-401	Supervision Fees	30040	5YR	06/07/2007	2007-13/143
R251-707	Legal Access	29464	5YR	01/31/2007	2007-4/59
R251-710	Search	29465	5YR	01/31/2007	2007-4/59
Crime Victim Reparations					
<u>Administration</u>					
R270-1	Award and Reparation Standards	29753	AMD	05/22/2007	2007-8/41
R270-1-26	Victim Services	29220	AMD	01/10/2007	2006-23/6
Education					
<u>Administration</u>					
R277-110	Legislative Supplemental Salary Adjustment	30086	NEW	08/07/2007	2007-13/11
R277-413	Accreditation of Secondary Schools	30087	AMD	08/07/2007	2007-13/12
R277-416	Experimental and Developmental Programs	29746	5YR	03/29/2007	2007-8/121
R277-416	Experimental and Developmental Programs	29935	REP	07/09/2007	2007-11/14
R277-419	Pupil Accounting	29690	AMD	05/09/2007	2007-7/10
R277-437-1	Definitions (EXPIRED - Section R277-437-1, Legislative Nonreauthorization)	29902	NSC	05/01/2007	Not Printed
R277-459	Classroom Supplies Appropriation	29691	AMD	05/09/2007	2007-7/12
R277-459	Classroom Supplies Appropriation	30088	AMD	08/07/2007	2007-13/14
R277-462	Comprehensive Guidance Program	30089	AMD	08/07/2007	2007-13/16
R277-464	Highly Impacted Schools	29931	AMD	07/09/2007	2007-11/15
R277-467	Distribution of Funds Appropriated for Library Books and Electronic Resources	30090	NEW	08/07/2007	2007-13/19
R277-469	Instructional Materials Commission Operating Procedures	30091	AMD	08/07/2007	2007-13/20
R277-470	Charter Schools	30092	AMD	08/07/2007	2007-13/23

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-473	Testing Procedures	30093	AMD	08/07/2007	2007-13/31
R277-473-9	Standardized Testing Rules and Professional Development Requirement	29478	AMD	03/27/2007	2007-4/12
R277-481	Charter School Accountability and Assistance	30094	REP	08/07/2007	2007-13/34
R277-484	Data Standards, Deadlines and Procedures	30095	AMD	08/07/2007	2007-13/36
R277-487	Charter School Revolving Loan Fund	30096	REP	08/07/2007	2007-13/39
R277-488	Critical Languages Pilot Program	29932	NEW	07/09/2007	2007-11/17
R277-489	Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding	29933	NEW	07/09/2007	2007-11/19
R277-489	Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding	30174	NSC	07/30/2007	Not Printed
R277-503	Licensing Routes	29749	5YR	03/29/2007	2007-8/121
R277-503	Licensing Routes	29692	AMD	05/09/2007	2007-7/14
R277-505	Administrative/Supervisory Certificates and Programs	29477	AMD	03/27/2007	2007-4/13
R277-505-5	District-Specific and Charter School-Specific Administrator Standards	29737	NSC	04/12/2007	Not Printed
R277-507	Driver Education Endorsement	29747	5YR	03/29/2007	2007-8/122
R277-510	Educator Licensing - Highly Qualified Teachers	30097	R&R	08/07/2007	2007-13/42
R277-511	Highly Qualified Teacher Grants	29305	NEW	01/23/2007	2006-24/7
R277-512	Online Licensure	29306	NEW	01/23/2007	2006-24/9
R277-517	Athletic Coaching Certification	29479	AMD	03/27/2007	2007-4/16
R277-519	Educator Inservice Procedures and Credit	29748	5YR	03/29/2007	2007-8/122
R277-603	Basic Skills Education Program	29934	AMD	07/09/2007	2007-11/21
R277-611	Medical Recommendations by School Personnel to Parents	29936	REP	07/09/2007	2007-11/24
R277-612	Foreign Exchange Students	29693	NEW	05/09/2007	2007-7/17
R277-617	Authorization of Student Clubs and Organizations	29494	5YR	02/02/2007	2007-5/25
R277-617	Authorization of Student Clubs and Organizations	29937	REP	07/09/2007	2007-11/25
R277-705	Secondary School Completion and Diplomas	29495	5YR	02/02/2007	2007-5/26
R277-713	Concurrent Enrollment of High School Students in College Courses	30098	AMD	08/07/2007	2007-13/47
R277-746-3	Standards and Procedures	29694	AMD	05/09/2007	2007-7/19
R277-915	Work-based Learning Programs for Interns	29496	5YR	02/02/2007	2007-5/26

Environmental Quality

Administration

R305-1	Records Access and Management	29809	5YR	04/12/2007	2007-9/34
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Air Quality

R307-101	General Requirements	29661	5YR	03/15/2007	2007-7/150
R307-101-2	Definitions	29000	CPR	03/09/2007	2007-3/39
R307-101-2	Definitions	29000	AMD	03/09/2007	2006-19/27
R307-105	General Requirements: Emergency Controls (5YR EXTENSION)	29501	NSC	07/13/2007	Not Printed
R307-105	General Requirements: Emergency Controls	30183	5YR	07/13/2007	2007-15/62
R307-110	General Requirements: State Implementation Plan	29662	5YR	03/15/2007	2007-7/151
R307-110-13	Section IX, Control Measures for Area and Point Sources, Part D, Ozone	29001	CPR	03/09/2007	2007-3/40
R307-110-13	Section IX, Control Measures for Area and Point Sources, Part D, Ozone	29001	AMD	03/09/2007	2006-19/30
R307-110-20	Section XII, Involvement	29514	AMD	05/02/2007	2007-5/13

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-110-20	Section XII, Transportation Conformity Consultation	29801	NSC	05/02/2007	Not Printed
R307-110-36	Section XXII, Interstate Transport	29293	NSC	02/09/2007	Not Printed
R307-110-36	Section XXII, Interstate Transport	29227	AMD	02/09/2007	2006-23/7
R307-120	General Requirements: Tax Exemption for Air and Water Pollution Control Equipment	29327	AMD	03/09/2007	2007-1/7
R307-120	General Requirements: Tax Exemption for Air and Water Pollution Control Equipment	29653	5YR	03/15/2007	2007-7/155
R307-121	General Requirements: Eligibility of Expenditures for Purchase of Vehicles that Use Cleaner Burning Fuels for Corporate and Individual Income Tax Credits (5YR EXTENSION)	29321	NSC	07/13/2007	Not Printed
R307-121	General Requirements: Eligibility of Expenditures for Purchase of Vehicles that Use Cleaner Burning Fuels for Corporate and Individual Income Tax Credits	30184	5YR	07/13/2007	2007-15/62
R307-121	General Requirements: Eligibility of Expenditures for Purchase of Vehicles that Use Cleaner Burning Fuels for Corporate and Individual Income Tax Credits	29797	R&R	07/13/2007	2007-9/14
R307-122	General Requirements: Eligibility of Expenditures for Purchase and Installation Costs of Fireplaces and Wood Stoves that Use Cleaner Burning Fuels (5YR EXTENSION)	29322	NSC	07/13/2007	Not Printed
R307-122	General Requirements: Eligibility of Expenditures for Purchase and Installation Costs of Fireplaces and Wood Stoves that Use Cleaner Burning Fuels	29798	REP	07/13/2007	2007-9/17
R307-130	General Penalty Policy	29654	5YR	03/15/2007	2007-7/155
R307-130-4	Options	29652	AMD	07/13/2007	2007-7/19
R307-135	Enforcement Response Policy for Asbestos Hazard Emergency Response Act	29659	5YR	03/15/2007	2007-7/156
R307-210	Stationary Sources	29228	AMD	03/15/2007	2006-23/8
R307-214-2	Part 63 Sources	29194	AMD	02/09/2007	2006-23/10
R307-220	Emission Standards: Plan for Designated Facilities	29655	5YR	03/15/2007	2007-7/156
R307-220	Emission Standards: Plan for Designated Facilities	29229	CPR	05/09/2007	2007-7/136
R307-220	Emission Standards: Plan for Designated Facilities	29229	AMD	05/09/2007	2006-23/12
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	29656	5YR	03/15/2007	2007-7/157
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	29657	5YR	03/15/2007	2007-7/157
R307-223	Emission Standards: Existing Small Municipal Waste Combustion Units	29658	5YR	03/15/2007	2007-7/158
R307-224	Mercury Emission Standards: Coal-Fired Electric Generating Units	29230	NEW	03/15/2007	2006-23/14
R307-301	Utah and Weber Counties: Oxygenated Gasoline Program As a Contingency Measure	29660	5YR	03/15/2007	2007-7/158
R307-320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program	29002	CPR	03/09/2007	2007-3/40
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program	29002	AMD	03/09/2007	2006-19/32
R307-320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program	29663	5YR	03/15/2007	2007-7/160
R307-325	Ozone Nonattainment and Maintenance Areas: General Requirements	29003	CPR	03/09/2007	2007-3/42
R307-325	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions	29003	AMD	03/09/2007	2006-19/35
R307-325	Ozone Nonattainment and Maintenance Areas: General Requirements	29664	5YR	03/15/2007	2007-7/160

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-326	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions in Refineries	29006	AMD	03/09/2007	2006-19/37
R307-326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Refineries	29006	CPR	03/09/2007	2007-3/43
R307-326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries	29665	5YR	03/15/2007	2007-7/161
R307-326-1	Purpose	29526	NSC	03/09/2007	Not Printed
R307-327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage	29004	CPR	03/09/2007	2007-3/45
R307-327	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage	29004	AMD	03/09/2007	2006-19/40
R307-327	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage	29666	5YR	03/15/2007	2007-7/163
R307-328	Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage	29005	AMD	01/16/2007	2006-19/43
R307-328	Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage	29667	5YR	03/15/2007	2007-7/164
R307-328-1	Purpose	29150	NSC	01/16/2007	Not Printed
R307-332	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems	29007	REP	01/16/2007	2006-19/46
R307-335	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations	29008	AMD	01/16/2007	2006-19/49
R307-335	Ozone Nonattainment and Maintenance Areas: Degreasing and Solvent Cleaning Operations	29668	5YR	03/15/2007	2007-7/165
R307-340	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Processes	29009	AMD	03/09/2007	2006-19/52
R307-340	Ozone Nonattainment and Maintenance Areas: Surface Coating Processes	29009	CPR	03/09/2007	2007-3/46
R307-340	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Processes	29669	5YR	03/15/2007	2007-7/165
R307-340-1	Purpose	29151	NSC	03/09/2007	Not Printed
R307-341	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt	29010	AMD	01/16/2007	2006-19/59
R307-341	Ozone Nonattainment and Maintenance Areas: Cutback Asphalt	29670	5YR	03/15/2007	2007-7/166
R307-342	Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks	29011	AMD	01/16/2007	2006-19/60
R307-342	Ozone Nonattainment and Maintenance Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks	29671	5YR	03/15/2007	2007-7/167
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations	29012	AMD	03/09/2007	2006-19/63
R307-343	Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations	29012	CPR	03/09/2007	2007-3/51
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations	29672	5YR	03/15/2007	2007-7/167
R307-343-6	Compliance Procedures and Monitoring Requirements	29508	NSC	03/09/2007	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-401	Permit: New and Modified Sources	30185	5YR	07/13/2007	2007-15/63
R307-403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	30186	5YR	07/13/2007	2007-15/63
R307-405	Permits: Major Sources in Attainment or Unclassified Areas (PSD)	30187	5YR	07/13/2007	2007-15/64
R307-406	Visibility	30188	5YR	07/13/2007	2007-15/64
R307-410	Permits: Emission Impact Analysis	30189	5YR	07/13/2007	2007-15/65
R307-414	Permits: Fees for Approval Orders	30190	5YR	07/13/2007	2007-15/66
R307-415	Permits: Operating Permit Requirements	30191	5YR	07/13/2007	2007-15/66
R307-417	Permits: Acid Rain Sources	30192	5YR	07/13/2007	2007-15/67
R307-420	Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	30193	5YR	07/13/2007	2007-15/67
R307-421	Permits: PM10 Offset Requirements in Salt Lake County and Utah County	30194	5YR	07/13/2007	2007-15/68
R307-424	Permits: Mercury Requirements for Electric Generating Units	29231	NEW	05/09/2007	2006-23/15
R307-424	Permits: Mercury Requirements for Electric Generating Units	29231	CPR	05/09/2007	2007-7/137
<u>Drinking Water</u>					
R309-105	Administration: General Responsibilities of Public Water Systems	29369	AMD	03/06/2007	2007-2/15
R309-105	Administration: General Responsibilities of Public Water Systems	29646	AMD	05/14/2007	2007-7/20
R309-105-9	Minimum Water Pressure	29036	AMD	01/01/2007	2006-19/68
R309-110	Administration: Definitions	29364	AMD	03/06/2007	2007-2/20
R309-110-4	Definitions	29649	AMD	05/14/2007	2007-7/22
R309-115-2	Initial Proceedings	29361	NSC	03/06/2007	Not Printed
R309-150	Water System Rating Criteria	29363	AMD	03/06/2007	2007-2/31
R309-200	Monitoring and Water Quality: Drinking Water Standards	29371	AMD	03/06/2007	2007-2/43
R309-210	Monitoring and Water Quality: Distribution System Monitoring Requirements	29365	AMD	03/06/2007	2007-2/46
R309-210	Monitoring and Water Quality: Distribution System Monitoring Requirements	29647	AMD	05/14/2007	2007-7/23
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring Requirements	29366	AMD	03/06/2007	2007-2/63
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring Requirements	29645	AMD	05/14/2007	2007-7/34
R309-220	Monitoring and Water Quality: Public Notification Requirements	29367	AMD	03/06/2007	2007-2/86
R309-220-15	Standard Health Effects Language	29648	AMD	05/14/2007	2007-7/46
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	29368	AMD	03/06/2007	2007-2/89
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	29650	NSC	03/29/2007	Not Printed
R309-300-13	Grandparent Certification Criteria	29362	NSC	03/06/2007	Not Printed
R309-405-4	Assessment of a Penalty and Calculation of Settlement Amounts	29360	NSC	03/06/2007	Not Printed
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	29774	5YR	04/02/2007	2007-8/122
R309-505	Facility Design and Operation: Minimum Treatment Requirements	29775	5YR	04/02/2007	2007-8/123
R309-510	Facility Design and Operation: Minimum Sizing Requirements	29776	5YR	04/02/2007	2007-8/123
R309-515	Facility Design and Operation: Source Development	29777	5YR	04/02/2007	2007-8/124
R309-520	Facility Design and Operation: Disinfection	29642	5YR	03/13/2007	2007-7/169
R309-525	Facility Design and Operation: Conventional Surface Water Treatment	29778	5YR	04/02/2007	2007-8/124

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R309-530	Facility Design and Operation: Alternative Surface Water Treatment Methods	29779	5YR	04/02/2007	2007-8/125
R309-535	Facility Design and Operation: Miscellaneous Treatment Methods	29780	5YR	04/02/2007	2007-8/125
R309-540	Facility Design and Operation: Pump Stations	29781	5YR	04/02/2007	2007-8/126
R309-545	Facility Design and Operation: Drinking Water Storage Tanks	29782	5YR	04/02/2007	2007-8/126
R309-550	Facility Design and Operation: Transmission and Distribution Pipelines	29783	5YR	04/02/2007	2007-8/126
R309-700	Financial Assistance: State Drinking Water Project Revolving Loan Program	29784	5YR	04/02/2007	2007-8/127
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	29785	5YR	04/02/2007	2007-8/127
<u>Environmental Response and Remediation</u>					
R311-200	Underground Storage Tanks: Definitions (5YR EXTENSION)	29567	NSC	04/18/2007	Not Printed
R311-200	Underground Storage Tanks: Definitions	29838	5YR	04/18/2007	2007-10/112
R311-201	Underground Storage Tanks: Certification Programs (5YR EXTENSION)	29568	NSC	04/18/2007	Not Printed
R311-201	Underground Storage Tanks: Certification Programs	29839	5YR	04/18/2007	2007-10/113
R311-202	Underground Storage Tank Technical Standards (5YR EXTENSION)	29569	NSC	04/18/2007	Not Printed
R311-202	Underground Storage Tank Technical Standards	29840	5YR	04/18/2007	2007-10/114
R311-203	Underground Storage Tanks: Notification, New Installations, Registration Fees, and Testing Requirements (5YR EXTENSION)	29570	NSC	04/18/2007	Not Printed
R311-203	Underground Storage Tanks: Notification, New Installations, Registration Fees, and Testing Requirements	29841	5YR	04/18/2007	2007-10/114
R311-204	Underground Storage Tanks: Closure and Remediation (5YR EXTENSION)	29571	NSC	04/18/2007	Not Printed
R311-204	Underground Storage Tanks: Closure and Remediation	29842	5YR	04/18/2007	2007-10/115
R311-205	Underground Storage Tanks: Site Assessment Protocol (5YR EXTENSION)	29572	NSC	04/18/2007	Not Printed
R311-205	Underground Storage Tanks: Site Assessment Protocol	29843	5YR	04/18/2007	2007-10/116
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms (5YR EXTENSION)	29573	NSC	04/18/2007	Not Printed
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms	29844	5YR	04/18/2007	2007-10/116
R311-207	Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks (5YR EXTENSION)	29574	NSC	04/18/2007	Not Printed
R311-207	Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks	29845	5YR	04/18/2007	2007-10/117
R311-208	Underground Storage Tank Penalty Guidance (5YR EXTENSION)	29575	NSC	04/18/2007	Not Printed
R311-208	Underground Storage Tank Penalty Guidance	29846	5YR	04/18/2007	2007-10/118
R311-209	Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation (5YR EXTENSION)	29576	NSC	04/18/2007	Not Printed
R311-209	Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation	29847	5YR	04/18/2007	2007-10/118
R311-210	Administrative Procedures for Underground Storage Tank Act Adjudicative Proceedings (5YR EXTENSION)	29577	NSC	04/18/2007	Not Printed
R311-210	Administrative Procedures for Underground Storage Tank Adjudicative Proceedings	29848	5YR	04/18/2007	2007-10/119
R311-211	Corrective Action Cleanup Standards Policy - UST and CERCLA Sites (5YR EXTENSION)	29578	NSC	04/18/2007	Not Printed
R311-211	Corrective Action Cleanup Standards Policy - UST and CERCLA Sites	29849	5YR	04/18/2007	2007-10/119

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R311-212	Administration of the Petroleum Storage Tank Loan Fund (5YR EXTENSION)	29579	NSC	04/18/2007	Not Printed
R311-212	Administration of the Petroleum Storage Tank Loan Fund	29850	5YR	04/18/2007	2007-10/120
R311-401	Utah Hazardous Substance Priority List	30210	5YR	07/19/2007	2007-16/65
R311-600	Hazardous Substances Mitigation Act: Enforceable Written Assurances	29585	NSC	03/26/2007	Not Printed
R311-600	Hazardous Substances Mitigation Act: Enforceable Written Assurances	29460	NEW	03/26/2007	2007-4/18
<u>Radiation Control</u>					
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	29333	AMD	03/16/2007	2007-1/9
R313-26	Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities	29332	AMD	03/16/2007	2007-1/10
R313-28	Use of X-Rays in the Healing Arts	29334	AMD	03/16/2007	2007-1/12
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications (5YR EXTENSION)	29310	NSC	03/05/2007	Not Printed
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications	29595	5YR	03/05/2007	2007-7/169
R313-36	Special Requirements for Industrial Radiographic Operations	29336	AMD	03/16/2007	2007-1/15
R313-70	Payments, Categories and Types of Fees	29335	AMD	03/16/2007	2007-1/17
<u>Solid and Hazardous Waste</u>					
R315-301	Solid Waste Authority, Definitions, and General Requirements	29202	AMD	02/01/2007	2006-23/17
R315-301-2	Definitions	30163	NSC	07/11/2007	Not Printed
R315-301-5	Permit Required	29509	NSC	02/28/2007	Not Printed
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	29203	AMD	02/01/2007	2006-23/22
R315-303	Landfilling Standards	29204	AMD	02/01/2007	2006-23/28
R315-304	Industrial Solid Waste Landfill Requirements	29205	AMD	02/01/2007	2006-23/33
R315-304	Industrial Solid Waste Facility Requirements	29754	5YR	03/30/2007	2007-8/128
R315-305-4	General Requirements	29206	AMD	02/01/2007	2006-23/35
R315-305-4	General Requirements	29566	NSC	03/09/2007	Not Printed
R315-306-2	Requirements for Large Incinerators	29207	AMD	02/01/2007	2006-23/37
R315-308	Ground Water Monitoring Requirements	29208	AMD	02/01/2007	2006-23/38
R315-308-2	Ground Water Monitoring Requirements	29716	NSC	04/12/2007	Not Printed
R315-309	Financial Assurance	29209	AMD	02/01/2007	2006-23/43
R315-310	Permit Requirements for Solid Waste Facilities	29210	AMD	02/01/2007	2006-23/46
R315-311	Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities	29211	AMD	02/01/2007	2006-23/50
R315-311-1	General Requirements	29511	NSC	02/28/2007	Not Printed
R315-312	Recycling and Composting Facility Standards	29212	AMD	02/01/2007	2006-23/52
R315-312-3	Composting Requirements	29768	NSC	04/12/2007	Not Printed
R315-313-2	Transfer Station Standards	29213	AMD	02/01/2007	2006-23/54
R315-314-3	Facility Standards for Piles Used for Storage and Treatment	29214	AMD	02/01/2007	2006-23/56
R315-315-2	Asbestos Waste	29425	NSC	02/13/2007	Not Printed
R315-316	Infectious Waste Requirements	29215	AMD	02/01/2007	2006-23/58
R315-317	Other Processes, Variances, and Violations	29216	AMD	02/01/2007	2006-23/60
R315-318-1	General Requirements	29217	AMD	02/01/2007	2006-23/61

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R315-320	Waste Tire Transporter and Recycler Requirements	29218	AMD	02/01/2007	2006-23/62
R315-320-4	Waste Tire Transporter Requirements	29510	NSC	02/28/2007	Not Printed
<u>Water Quality</u>					
R317-1-2	General Requirements	29186	AMD	01/19/2007	2006-22/21
R317-1-7	TMDLs	29098	AMD	01/19/2007	2006-20/54
R317-6	Ground Water Quality Protection	29294	AMD	01/23/2007	2006-24/23
R317-6-6	Implementation	29185	AMD	01/19/2007	2006-22/23
R317-11	Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems	29296	AMD	01/26/2007	2006-24/26
R317-12	Tax Exemption for Water Pollution Control Equipment	29326	NEW	03/09/2007	2007-1/21
Financial Institutions					
<u>Administration</u>					
R331-5	Rule Governing Sale of Securities by Persons Issuing Securities, Who Are Under the Jurisdiction of the Department of Financial Institutions	30237	5YR	07/25/2007	2007-16/65
R331-7	Rule Governing Leasing Transactions by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions	30238	5YR	07/25/2007	2007-16/66
R331-9	Rule Prescribing Rules of Procedure for Hearings Before the Commissioner of Financial Institutions of the State of Utah	30239	5YR	07/25/2007	2007-16/66
R331-10	Schedule for Retention or Destruction of Records of Financial Institutions Under the Jurisdiction of the Department of Financial Institutions	30240	5YR	07/25/2007	2007-16/67
R331-12	Guidelines Governing the Purchase and Sale of Loans and Participations in Loans by all State Chartered Financial Institutions	30241	5YR	07/25/2007	2007-16/67
R331-14	Rule Governing Parties Who Engage in the Business of Issuing and Selling Money Orders, Traveler's Checks, and Other Instruments for the Purpose of Effecting Third-Party Payments	30242	5YR	07/25/2007	2007-16/68
R331-22	Rule Governing Reimbursement of Costs of Financial Institutions for Production of Records	29818	5YR	04/16/2007	2007-9/35
<u>Banks</u>					
R333-11	Ownership by State-Chartered Banks of Real Estate Other Than Property Used for Bank Business or Held as an Investment	29972	5YR	05/25/2007	2007-12/60
<u>Credit Unions</u>					
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	29352	NSC	01/22/2007	Not Printed
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	29173	NEW	01/22/2007	2006-22/25
<u>Nondepository Lenders</u>					
R343-1	Rule Governing Form of Disclosures For Title Lenders, Who Are Under the Jurisdiction of the Department of Financial Institutions	29225	NEW	01/09/2007	2006-23/65

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Health					
<u>Administration</u>					
R380-1	Petitions for Department Declaratory Orders	30336	5YR	08/20/2007	Not Printed
R380-5	Petitions for Declaratory Orders on Orders Issued by Committees	30337	5YR	08/20/2007	Not Printed
R380-10	Informal Adjudicative Proceedings	30338	5YR	08/20/2007	Not Printed
R380-20	Government Records Access and Management	29867	5YR	04/26/2007	2007-10/121
R380-100	Americans with Disabilities Act Grievance Procedures	30339	5YR	08/20/2007	Not Printed
R380-200	Patient Safety Sentinel Event Reporting	29538	AMD	04/26/2007	2007-6/14
<u>Children's Health Insurance Program</u>					
R382-1	Benefits and Administration	29872	AMD	07/01/2007	2007-10/29
R382-10	Eligibility	29732	AMD	05/23/2007	2007-8/44
R382-10	Eligibility	29873	AMD	07/01/2007	2007-10/31
<u>Epidemiology and Laboratory Services, Epidemiology</u>					
R386-702	Communicable Disease Rule	29721	5YR	03/22/2007	2007-8/128
R386-702	Communicable Disease Rule	29742	AMD	05/24/2007	2007-8/48
<u>Epidemiology and Laboratory Services: HIV/AIDS, Tuberculosis Control/Refugee Health</u>					
R388-801	AIDS Testing and Reporting for Emergency Medical Services Providers Rule	30206	5YR	07/19/2007	2007-16/68
R388-802	HIV Positive Student or School Employee Rule	30207	5YR	07/19/2007	2007-16/69
R388-803	HIV Test Reporting	29979	5YR	05/29/2007	2007-12/61
R388-804	Special Measures for the Control of Tuberculosis	29980	5YR	05/29/2007	2007-12/61
R388-804	Special Measures for the Control of Tuberculosis	29911	AMD	07/16/2007	2007-11/27
<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-100	Food Service Sanitation	29722	5YR	03/22/2007	2007-8/129
R392-200	Design, Construction, Operation, Sanitation, and Safety of Schools	29799	5YR	04/05/2007	2007-9/36
R392-300	Recreational Camp Sanitation	29860	5YR	04/24/2007	2007-10/121
R392-301	Recreational Vehicle Park Sanitation	29899	5YR	04/30/2007	2007-10/122
R392-302	Design, Construction and Operation of Public Pools	29720	5YR	03/22/2007	2007-8/130
R392-302	Design, Construction and Operation of Public Pools	29717	AMD	05/31/2007	2007-8/55
R392-400	Temporary Mass Gatherings Sanitation	29925	5YR	05/08/2007	2007-11/85
R392-401	Roadway Rest Stop Sanitation	29901	5YR	04/30/2007	2007-10/122
R392-402	Mobile Home Park Sanitation	29900	5YR	04/30/2007	2007-10/123
R392-501	Labor Camp Sanitation	29870	5YR	04/26/2007	2007-10/123
R392-502	Hotels, Motels and Resort Sanitation	30204	5YR	07/18/2007	2007-16/69
R392-510	Utah Indoor Clean Air Act	29856	5YR	04/23/2007	2007-10/124
<u>Community and Family Health Services, Immunization</u>					
R396-100	Immunization Rule for Students	29547	AMD	05/07/2007	2007-6/19
<u>Community and Family Health Services, WIC Services</u>					
R406-100	Special Supplemental Nutrition Program for Women, Infants and Children	29878	5YR	04/27/2007	2007-10/124
R406-200	Program Overview	29879	5YR	04/27/2007	2007-10/125
R406-201	Outreach Program	29880	5YR	04/27/2007	2007-10/126
R406-202	Eligibility	29876	5YR	04/27/2007	2007-10/126

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R406-301	Clinic Guidelines	29877	5YR	04/27/2007	2007-10/127
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1	Utah Medicaid Program	29819	5YR	04/16/2007	2007-9/36
R414-1A	Medicaid Policy for Experimental, Investigational or Unproven Medical Practices	29960	5YR	05/21/2007	2007-12/62
R414-2A-7	Limitations	29868	AMD	06/26/2007	2007-10/32
R414-3A-6	Services	29869	AMD	06/26/2007	2007-10/33
R414-4A	Outpatient Hospital Services: Payment of Triage Fee	29441	5YR	01/26/2007	2007-4/60
R414-7C	Alternative Remedies for Nursing Facilities	29442	5YR	01/26/2007	2007-4/60
R414-10	Physician Services	29435	5YR	01/26/2007	2007-4/61
R414-10A	Transplant Services Standards	29493	5YR	02/02/2007	2007-5/27
R414-10A	Transplant Services Standards	29629	AMD	05/15/2007	2007-7/48
R414-10A	Transplant Services Standards	30005	AMD	07/23/2007	2007-12/10
R414-21	Physical and Occupational Therapy	29816	5YR	04/16/2007	2007-9/37
R414-38	Personal Care Service	29817	5YR	04/16/2007	2007-9/37
R414-45	Personal Supervision by a Physician	29466	5YR	01/31/2007	2007-4/61
R414-60	Medicaid Policy for Pharmacy Copayment Procedures	29961	5YR	05/21/2007	2007-12/63
R414-60	Medicaid Policy for Pharmacy Copayment Procedures	30117	NSC	07/10/2007	Not Printed
R414-60A	Drug Utilization Review Board	29807	NEW	07/19/2007	2007-9/21
R414-60B	Preferred Drug List	29808	CPR	08/14/2007	2007-12/51
R414-60B	Preferred Drug List	29808	NEW	08/14/2007	2007-9/23
R414-61-2	Incorporation by Reference	29673	AMD	05/15/2007	2007-7/64
R414-61-2	Incorporation by Reference	29674	AMD	06/26/2007	2007-7/63
R414-100	Medicaid Primary Care Network Services	29966	5YR	05/24/2007	2007-12/63
R414-200	Non-Traditional Medicaid Health Plan Services	29967	5YR	05/24/2007	2007-12/64
R414-200-4	Cost Sharing	29977	AMD	07/23/2007	2007-12/19
R414-300	Primary Care Network, Covered-at-Work Demonstration Waiver	29730	REP	05/23/2007	2007-8/73
R414-303-17	Personal Assistance Waiver for Adults with Physical Disabilities	29543	AMD	05/01/2007	2007-6/23
R414-307	Eligibility for Home and Community-Based Services Waivers	29676	NEW	05/15/2007	2007-7/65
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	29469	AMD	04/01/2007	2007-4/22
R414-310	Medicaid Primary Care Network Demonstration Waiver	29731	AMD	05/23/2007	2007-8/74
R414-310	Medicaid Primary Care Network Demonstration Waiver	30081	5YR	06/13/2007	2007-13/144
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	29380	AMD	03/09/2007	2007-2/91
R414-401-3	Assessment	29908	AMD	07/01/2007	2007-10/35
R414-504	Nursing Facility Payments	29907	AMD	07/01/2007	2007-10/36
R414-507	Medicaid Long Term Care Managed Care	29675	REP	05/15/2007	2007-7/67
R414-510	Intermediate Care Facility for Individuals with Mental Retardation Transition Program	29197	NEW	01/17/2007	2006-23/66
<u>Health Care Financing, Medical Assistance Program</u>					
R420-1	Utah Medical Assistance Program	29909	REP	07/01/2007	2007-10/40
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-5	Statewide Trauma System Standards	30205	5YR	07/18/2007	2007-16/70

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R426-12	Emergency Medical Services Training and Certification Standards	29944	AMD	08/08/2007	2007-11/30
R426-16	Emergency Medical Services Maximum Ambulance Transportation Rates and Charges	29392	AMD	04/01/2007	2007-3/9
<u>Center for Health Data, Health Care Statistics</u>					
R428-1	Adoption of Health Data Plan	29788	5YR	04/03/2007	2007-9/38
R428-2	Health Data Authority Standards for Health Data	29789	5YR	04/03/2007	2007-9/38
R428-5	Appeal and Adjudicative Proceedings	29790	5YR	04/03/2007	2007-9/39
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	29791	5YR	04/03/2007	2007-9/39
R428-12	Health Data Authority Survey of Enrollees in Health Maintenance Organizations	29792	5YR	04/03/2007	2007-9/40
R428-20	Health Data Authority Request for Health Data Information	29793	5YR	04/03/2007	2007-9/40
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-2	General Licensing Provisions, Child Care Facilities	30249	5YR	07/27/2007	2007-16/71
R430-3	General Child Care Facility Rules Inspection and Enforcement	30311	5YR	08/13/2007	2007-17/57
R430-6	Background Screening	30308	5YR	08/13/2007	2007-17/57
R430-30	Adjudicative Procedure	30309	5YR	08/13/2007	2007-17/58
R430-100	Child Care Centers	30310	5YR	08/13/2007	2007-17/58
<u>Health Systems Improvement, Licensing</u>					
R432-2-6	Application	29750	AMD	05/29/2007	2007-8/82
R432-100-33	General Hospital Standards	29525	AMD	04/11/2007	2007-5/14
<u>Epidemiology and Laboratory Services, Laboratory Services</u>					
R438-12	Rules for the Authorization of Individuals Other Than Physicians, Registered Nurses, or Practical Nurses to Withdraw Blood for Alcoholic or Drug Determinations When Requested by a Peace Officer, and for Issuance of Permits to Such Individuals	29926	5YR	05/08/2007	2007-11/86
R438-12	Rules for the Authorization of Individuals Other Than Physicians, Registered Nurses, or Practical Nurses to Withdraw Blood for Alcoholic or Drug Determinations When Requested by a Peace Officer, and for Issuance of Permits to Such Individuals	29968	NSC	06/12/2007	Not Printed
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
R444-11	Rules for Approval to Perform Blood Alcohol Examinations	29861	5YR	04/25/2007	2007-10/127
R444-14	Rule for the Certification of Environmental Laboratories	29549	5YR	02/26/2007	2007-6/39
Human Resource Management					
<u>Administration</u>					
R477-1	Definitions	30051	5YR	06/09/2007	2007-13/144
R477-1	Definitions	29882	AMD	07/01/2007	2007-10/41
R477-2	Administration	30049	5YR	06/09/2007	2007-13/145
R477-2	Administration	29883	AMD	07/01/2007	2007-10/46
R477-3	Classification	30058	5YR	06/09/2007	2007-13/146
R477-3	Classification	29884	AMD	07/01/2007	2007-10/49
R477-4	Filling Positions	30061	5YR	06/09/2007	2007-13/146
R477-4	Filling Positions	29885	AMD	07/01/2007	2007-10/51
R477-5	Employee Status and Probation	30055	5YR	06/09/2007	2007-13/147

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R477-5	Employee Status and Probation	29886	AMD	07/01/2007	2007-10/53
R477-6	Compensation	30060	5YR	06/09/2007	2007-13/148
R477-6	Compensation	29887	AMD	07/01/2007	2007-10/54
R477-7	Leave	30161	5YR	06/29/2007	2007-14/47
R477-7	Leave	29888	AMD	07/01/2007	2007-10/57
R477-8	Working Conditions	30059	5YR	06/09/2007	2007-13/148
R477-8	Working Conditions	29889	AMD	07/01/2007	2007-10/64
R477-9	Employee Conduct	30052	5YR	06/09/2007	2007-13/149
R477-9	Employee Conduct	29890	AMD	07/01/2007	2007-10/68
R477-10	Employee Development	30050	5YR	06/09/2007	2007-13/150
R477-10	Employee Development	29891	AMD	07/01/2007	2007-10/70
R477-11	Discipline	29894	NSC	05/11/2007	Not Printed
R477-11	Discipline	30056	5YR	06/09/2007	2007-13/151
R477-12	Separations	30053	5YR	06/09/2007	2007-13/152
R477-12	Separations	29892	AMD	07/01/2007	2007-10/72
R477-13	Volunteer Programs	30057	5YR	06/09/2007	2007-13/152
R477-13-1	Volunteer Programs	29896	NSC	05/11/2007	Not Printed
R477-14	Rules Governing a Drug-Free Workplace	29893	NSC	05/11/2007	Not Printed
R477-15	Unlawful Harassment Policy and Procedure	29895	NSC	05/11/2007	Not Printed
R477-15	Unlawful Harassment Policy and Procedure	30054	5YR	06/09/2007	2007-13/153

Human Services

Administration

R495-810	Government Records Access and Management Act	29497	5YR	02/05/2007	2007-5/27
R495-878	Department of Human Services Civil Rights Complaint Procedure	29498	5YR	02/05/2007	2007-5/28

Administration, Administrative Services, Licensing

R501-8	Outdoor Youth Program	29874	NSC	05/14/2007	Not Printed
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Aging and Adult Services

R510-1	Authority and Purpose	30340	5YR	08/21/2007	Not Printed
R510-100	Funding Formulas	30342	5YR	08/21/2007	Not Printed
R510-101	Carryover Policy for Title III: Grants for State and Community Programs on Aging.	30343	5YR	08/21/2007	Not Printed
R510-102	Amendments to Area Plan and Management Plan	30341	5YR	08/21/2007	Not Printed
R510-103	Use of Senior Centers by Long-Term Care Facility Residents Participating in Activities Outside Their Planning and Service Area.	30344	5YR	08/21/2007	Not Printed
R510-106	Minimum Percentages of Older Americans Act, Title III Part B: State and Supportive Services	30345	5YR	08/21/2007	Not Printed
R510-107	Title V Senior Community Service Employment Program Standards and Procedures	30346	5YR	08/21/2007	Not Printed
R510-108	Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting under the Older Americans Act	30347	5YR	08/21/2007	Not Printed
R510-109	Definition of Significant Population of Older Native Americans	30348	5YR	08/21/2007	Not Printed
R510-110	Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services	30349	5YR	08/21/2007	Not Printed
R510-111	Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	30350	5YR	08/21/2007	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R510-200	Long-Term Care Ombudsman Program Policy	30351	5YR	08/21/2007	Not Printed
R510-302	Adult Protective Services	30352	5YR	08/21/2007	Not Printed
R510-400	Home and Community Based Alternatives Services Policy and Procedures	30353	5YR	08/21/2007	Not Printed
<u>Child and Family Services</u>					
R512-1	Description of Division Services, Eligibility, and Service Access	30289	5YR	08/07/2007	2007-17/59
R512-2	Title IV-B Child Welfare/Family Preservation and Support Services and Title I-VE Foster Care, Adoption, and Independent Living Youth Advocate Program	30290	5YR	08/07/2007	2007-17/59
R512-10	Youth Advocate Program	29387	5YR	01/03/2007	2007-3/58
R512-31	Foster Parent Due Process	30291	5YR	08/07/2007	2007-17/60
R512-40	Adoptive Home Studies, Recruitment, Approval	30292	5YR	08/07/2007	2007-17/60
R512-42	Adoption by Relatives	30293	5YR	08/07/2007	2007-17/61
R512-43	Adoption Assistance	29388	5YR	01/03/2007	2007-3/59
R512-60	Children's Trust Account	29390	5YR	01/03/2007	2007-3/59
R512-300	Out-of-Home Services	30010	EMR	06/01/2007	2007-12/55
<u>Substance Abuse and Mental Health</u>					
R523-1-2	State and Local Relationships	29381	AMD	02/26/2007	2007-2/97
R523-1-5	Fee for Service	29245	AMD	01/30/2007	2006-24/29
R523-1-11	Policies and Procedures Relating to Referrals, Admissions, and Transfers of Mental Health Consumers to the Utah State Hospital and Between Mental Health Center Catchment Areas	29382	AMD	02/26/2007	2007-2/99
R523-1-23	Case Manager Certification	29383	AMD	05/14/2007	2007-2/101
R523-20	Division Rules of Administration	30038	5YR	06/05/2007	2007-13/153
R523-20-2	Providers' Application for Funding - Fee Collection Policy	29246	AMD	01/30/2007	2006-24/31
R523-22	Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders	30123	5YR	06/22/2007	2007-14/49
R523-23	Alcohol Training and Education Seminar Rules of Administration	28928	AMD	01/30/2007	2006-17/43
R523-23	On-Premise Alcohol Training and Education Seminar Rules of Administration	28928	CPR	01/30/2007	2006-24/43
R523-23	On-Premise Alcohol Training and Education Seminar Rules of Administration	30122	5YR	06/22/2007	2007-14/49
<u>Substance Abuse and Mental Health, State Hospital</u>					
R525-1	Medical Records	29434	REP	04/02/2007	2007-4/27
R525-8	Forensic Mental Health Facility	29802	AMD	06/15/2007	2007-9/24
<u>Recovery Services</u>					
R527-5	Release of Information	29415	5YR	01/16/2007	2007-3/60
R527-34	Non-IV-A Services	29416	5YR	01/16/2007	2007-3/61
R527-35	Non-IV-A Fee Schedule	29417	5YR	01/16/2007	2007-3/61
R527-201	Medical Support Services	29418	5YR	01/16/2007	2007-3/62
R527-257	Enforcing Child Support When the Obligor is Incarcerated.	30354	5YR	08/22/2007	Not Printed
R527-258	Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program.	30355	5YR	08/22/2007	Not Printed
R527-330	Posting Priority of Payments Received.	30356	5YR	08/22/2007	Not Printed
<u>Services for People with Disabilities</u>					
R539-5	Self-Administered Services	29625	AMD	05/11/2007	2007-7/70
R539-9	Supported Employment Pilot Program	30116	EMR	07/01/2007	2007-14/39

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R539-9	Supported Employment Pilot Program	30085	AMD	08/07/2007	2007-13/50
<u>Juvenile Justice Services</u>					
R547-1	Residential and Nonresidential, Nonsecure Community Program Standards	29992	5YR	05/30/2007	2007-12/64
R547-3	Juvenile Jail Standards	29993	5YR	05/30/2007	2007-12/65
R547-6	Youth Parole Authority Policies and Procedures	30032	5YR	06/04/2007	2007-13/154
R547-7	Juvenile Holding Room Standards	29990	5YR	05/30/2007	2007-12/65
R547-12	Division of Juvenile Justice Services Classification of Records	29991	5YR	05/30/2007	2007-12/66
R547-13	Guidelines for Admission to Secure Youth Detention Facilities	30033	5YR	06/04/2007	2007-13/154
R547-14	Possession of Prohibited Items in Juvenile Detention Facilities	29897	5YR	04/30/2007	2007-10/128
<u>Public Guardian (Office of)</u>					
R549-1	Eligibility and Services Priority	29950	NEW	07/09/2007	2007-11/50
Insurance					
<u>Administration</u>					
R590-68	Insider Trading of Equity Securities of Domestic Stock Insurance Companies	29815	5YR	04/13/2007	2007-9/41
R590-70	Insurance Holding Companies	29451	5YR	01/29/2007	2007-4/62
R590-85	Individual Accident and Health Insurance and Individual and Group Medicare Supplement Rates	29821	5YR	04/16/2007	2007-9/41
R590-91-13	Unfair Marketing Practices	30220	NSC	08/14/2007	Not Printed
R590-93	Replacement of Life Insurance and Annuities	29752	AMD	05/29/2007	2007-8/84
R590-93	Replacement of Life Insurance and Annuities	30042	AMD	08/08/2007	2007-13/51
R590-95	Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables	29447	5YR	01/27/2007	2007-4/62
R590-99	Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices	29446	5YR	01/27/2007	2007-4/63
R590-101	Appointment and Termination of Individuals Licensed as Agents, and Organizations Licensed as Agents by Insurers	29820	5YR	04/16/2007	2007-9/42
R590-102	Insurance Department Fee Payment Rule	29443	5YR	01/26/2007	2007-4/63
R590-102-9	Individual Resident and Non-Resident License Fees	29824	AMD	06/08/2007	2007-9/25
R590-103	Security Deposits	29406	5YR	01/11/2007	2007-3/62
R590-108	Interest Rate During Grace Period or Upon Reinstatement of Policy	29814	5YR	04/13/2007	2007-9/43
R590-114	Letters of Credit	29452	5YR	01/29/2007	2007-4/64
R590-116	Valuation of Assets	29583	5YR	02/28/2007	2007-6/39
R590-117	Valuation of Liabilities	29584	5YR	02/28/2007	2007-6/40
R590-118	Licensing Examination Rule	29813	5YR	04/13/2007	2007-9/43
R590-120	Surety Bond Forms	29823	5YR	04/16/2007	2007-9/44
R590-121	Rate Modification Plan Rule	29403	5YR	01/11/2007	2007-3/63
R590-121-2	Authority	29726	NSC	04/12/2007	Not Printed
R590-122	Permissible Arbitration Provisions	30135	5YR	06/26/2007	2007-14/50
R590-123	Additions and Deletions of Designees by Organizations	29445	5YR	01/27/2007	2007-4/64
R590-123-1	Authority	29448	NSC	02/13/2007	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R590-126	Accident and Health Insurance Standards	29404	5YR	01/11/2007	2007-3/63
R590-126-4	Prohibited Policy Provisions	29431	AMD	04/09/2007	2007-4/28
R590-126-4	Prohibited Policy Provisions	29998	AMD	07/30/2007	2007-12/20
R590-133	Variable Contracts	29411	5YR	01/12/2007	2007-3/64
R590-142	Continuing Education Rule	29444	5YR	01/26/2007	2007-4/65
R590-143	Life and Health Reinsurance Agreements	29450	5YR	01/29/2007	2007-4/65
R590-146	Medicare Supplement Insurance Standards	29822	5YR	04/16/2007	2007-9/44
R590-147	Annual and Quarterly Statement Filing Instructions	29449	5YR	01/29/2007	2007-4/66
R590-148	Long-Term Care Insurance Rule	30213	5YR	07/25/2007	2007-16/71
R590-148-25	Reporting Requirements	30006	AMD	07/30/2007	2007-12/22
R590-149	ADA Complaint Procedure Rule	30134	5YR	06/26/2007	2007-14/50
R590-150	Commissioner's Acceptance of Examination Reports	29454	5YR	01/29/2007	2007-4/66
R590-151	Records Access Rule	30243	5YR	07/25/2007	2007-16/72
R590-153-6	Permitted Advertising and Business Entertainment	30080	AMD	08/08/2007	2007-13/53
R590-157	Surplus Lines Insurance Premium Tax and Stamping Fee	29684	AMD	06/13/2007	2007-7/71
R590-173	Credit for Reinsurance	30160	5YR	06/29/2007	2007-14/51
R590-176	Health Benefit Plan Enrollment	29400	5YR	01/11/2007	2007-3/65
R590-181	Yankee Bond Rule	29407	5YR	01/11/2007	2007-3/65
R590-182	Risk Based Capital Instructions	29410	5YR	01/12/2007	2007-3/66
R590-203	Health Grievance Review Process and Disability Claims	29826	5YR	04/17/2007	2007-10/128
R590-211-1	Authority	29724	NSC	04/12/2007	Not Printed
R590-220	Submission of Accident and Health Insurance Filings	28767	CPR	01/22/2007	2006-24/44
R590-220	Submission of Accident and Health Insurance Filings	28767	CPR	01/22/2007	2006-16/30
R590-220	Submission of Accident and Health Insurance Filings	28767	AMD	01/22/2007	2006-12/27
R590-220	Submission of Accident and Health Insurance Filings	29947	AMD	07/12/2007	2007-11/51
R590-225	Submission of Property and Casualty Rate and Form Filings	29949	AMD	07/12/2007	2007-11/58
R590-225-6	Filing Submission Requirements	29290	AMD	01/22/2007	2006-24/32
R590-226	Submission of Life Insurance Filings	29969	AMD	07/30/2007	2007-12/23
R590-227	Submission of Annuity Filings	29951	AMD	07/12/2007	2007-11/65
R590-228	Submission of Credit Life and Credit Accident and Health Insurance Form and Rate Filings	29971	AMD	07/30/2007	2007-12/30
R590-228-5	General Filing Information	30274	NSC	08/14/2007	Not Printed
R590-233-4	Prohibited Policy Provisions	29999	AMD	07/30/2007	2007-12/35
R590-235-3	Definitions	29858	NSC	05/14/2007	Not Printed
R590-236	HIPAA Eligibility Following Receipt of a Certificate of Insurability or Denial by an Individual Carrier	29430	AMD	04/09/2007	2007-4/30
R590-238	Captive Insurance Companies	29458	CPR	05/25/2007	2007-8/115
R590-238	Captive Insurance Companies	29458	NEW	05/25/2007	2007-4/32
R590-239	Exemption of Student Health Centers From Insurance Code	29419	NEW	04/09/2007	2007-3/13
R590-240	Exemption of Student Health Programs From Insurance Code	29420	NEW	06/08/2007	2007-3/15
R590-240	Exemption of Student Health Programs From Insurance Code	29420	CPR	06/08/2007	2007-9/30

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R590-240-3	Definitions	30228	NSC	08/14/2007	Not Printed
R590-240-5	Exemption Requirements	30102	AMD	08/08/2007	2007-13/54
R590-241	Rule to Recognize the Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities	30082	NEW	08/08/2007	2007-13/56
<u>Title and Escrow Commission</u>					
R592-4-5	Charges	29725	NSC	04/12/2007	Not Printed
Judicial Conduct Commission					
<u>Administration</u>					
R595-2-1	Executive Committee	29924	AMD	09/01/2007	2007-11/70
Labor Commission					
<u>Administration</u>					
R600-2	Operations	30316	5YR	08/15/2007	2007-17/61
<u>Adjudication</u>					
R602-1	General Provisions	30317	5YR	08/15/2007	2007-17/62
R602-2	Adjudication of Workers' Compensation and Occupational Disease Claims	30318	5YR	08/15/2007	2007-17/62
R602-2-4	Attorney Fee	29957	AMD	07/24/2007	2007-12/40
<u>Industrial Accidents</u>					
R612-1	Workers' Compensation Rules - Procedures	30320	5YR	08/15/2007	2007-17/63
R612-2-27	Commission Approval of Health Care Treatment Protocol	29948	AMD	07/10/2007	2007-11/71
R612-2-27	Commission Approval of Health Care Treatment Protocol	30110	NSC	07/11/2007	Not Printed
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	29124	AMD	01/01/2007	2006-21/49
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	29282	AMD	01/23/2007	2006-24/33
R614-1-4	Incorporation of Federal Standards	29857	AMD	06/22/2007	2007-10/77
<u>Safety</u>					
R616-1	Coal Mine Rules	29733	R&R	05/23/2007	2007-8/88
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	29313	AMD	02/08/2007	2007-1/24
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	29527	AMD	04/24/2007	2007-6/26
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	29581	AMD	04/24/2007	2007-6/25
Money Management Council					
<u>Administration</u>					
R628-2	Investment of Funds of Public Education Foundations Established Under Section 53A-4-205 or Funds Acquired by Gift, Devise or Bequest	30177	5YR	07/10/2007	2007-15/68
R628-15	Certification as an Investment Adviser	29906	AMD	06/21/2007	2007-10/79
R628-17	Limitations on Commercial Paper and Corporate Notes	29222	NEW	01/09/2007	2006-23/68
Natural Resources					
<u>Geological Survey</u>					
R638-3	Energy Efficiency Fund	30159	NEW	08/31/2007	2007-14/24

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Oil, Gas and Mining: Administration</u>					
R642-100	Records of the Division and Board of Oil, Gas and Mining	29596	5YR	03/07/2007	2007-7/170
<u>Oil, Gas and Mining: Abandoned Mine Reclamation</u>					
R643-870	Abandoned Mine Reclamation Regulation Definitions	29597	5YR	03/07/2007	2007-7/170
R643-872	Abandoned Mine Reclamation Fund	29598	5YR	03/07/2007	2007-7/171
R643-874	General Reclamation Requirements	29599	5YR	03/07/2007	2007-7/171
R643-875	Noncoal Reclamation	29600	5YR	03/07/2007	2007-7/172
R643-877	Rights of Entry	29601	5YR	03/07/2007	2007-7/172
R643-879	Acquisition, Management, and Disposition of Lands and Water	29602	5YR	03/07/2007	2007-7/173
R643-882	Reclamation on Private Land	29603	5YR	03/07/2007	2007-7/173
R643-884	State Reclamation Plan	29604	5YR	03/07/2007	2007-7/174
R643-886	State Reclamation Grants	29605	5YR	03/07/2007	2007-7/174
<u>Oil, Gas and Mining: Coal</u>					
R645-100	Administrative: Introduction	29606	5YR	03/07/2007	2007-7/175
R645-103	Areas Unsuitable for Coal Mining and Reclamation Operations	29607	5YR	03/07/2007	2007-7/175
R645-200	Coal Exploration: Introduction	29608	5YR	03/07/2007	2007-7/176
R645-201	Coal Exploration: Requirements for Exploration Approval	29609	5YR	03/07/2007	2007-7/176
R645-202	Coal Exploration: Compliance Duties	29610	5YR	03/07/2007	2007-7/177
R645-203	Coal Exploration: Public Availability of Information	29611	5YR	03/07/2007	2007-7/177
R645-300	Coal Mine Permitting: Administrative Procedures	29612	5YR	03/07/2007	2007-7/178
R645-301	Coal Mine Permitting: Permit Application Requirements	29613	5YR	03/07/2007	2007-7/178
R645-302	Coal Mine Permitting: Special Categories and Areas of Mining	29614	5YR	03/07/2007	2007-7/179
R645-303	Coal Mine Permitting: Change, Renewal, and Transfer, Assignment, or Sale of Permit Rights	29615	5YR	03/07/2007	2007-7/179
R645-402	Inspection and Enforcement: Individual Civil Penalties	29616	5YR	03/07/2007	2007-7/180
<u>Oil, Gas and Mining: Oil and Gas</u>					
R649-1	Oil and Gas General Rules	29617	5YR	03/07/2007	2007-7/180
R649-2	General Rules	29618	5YR	03/07/2007	2007-7/181
R649-3	Drilling and Operating Practices	29619	5YR	03/07/2007	2007-7/181
R649-5	Underground Injection Control of Recovery Operations and Class II Injection Wells	29620	5YR	03/07/2007	2007-7/182
R649-8	Reporting and Report Forms	29621	5YR	03/07/2007	2007-7/182
R649-9	Waste Management and Disposal	29622	5YR	03/07/2007	2007-7/183
<u>Parks and Recreation</u>					
R651-102	Government Records Access Management Act	30245	5YR	07/26/2007	2007-16/72
R651-201	Definitions	30025	AMD	08/07/2007	2007-13/69
R651-205-16	Huntington Reservoir	29806	AMD	07/09/2007	2007-9/26
R651-206	Carrying Passengers for Hire	30026	AMD	08/07/2007	2007-13/70
R651-207-1	Yearly Registration Fee	29913	AMD	07/09/2007	2007-11/72
R651-215	Personal Flotation Devices	30027	AMD	08/07/2007	2007-13/79
R651-217	Fire Extinguishers	30028	AMD	08/07/2007	2007-13/81
R651-219-5	Equipment Good and Serviceable	30029	AMD	08/07/2007	2007-13/82
R651-221-1	Boat Livery Agreements	30030	AMD	08/07/2007	2007-13/82

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R651-301	State Recreation Fiscal Assistance Programs	30247	5YR	07/26/2007	2007-16/73
R651-611	Fee Schedule	29914	AMD	07/09/2007	2007-11/73
R651-611-2	Day Use Entrance Fees	30156	AMD	08/21/2007	2007-14/28
R651-611-4	Special Fees	29773	AMD	05/22/2007	2007-8/90
R651-634-1	User Permits and Fees	29163	AMD	01/02/2007	2006-22/39
<u>Forestry, Fire and State Lands</u>					
R652-1	Definition of Terms	29756	5YR	04/02/2007	2007-8/130
R652-3	Applicant Qualifications and Application Forms	29758	5YR	04/02/2007	2007-8/131
R652-4	Application Fees and Assessments	29761	5YR	04/02/2007	2007-8/131
R652-5	Payments, Royalties, Audits, and Reinstatements	29757	5YR	04/02/2007	2007-8/132
R652-6	Government Records Access and Management	29766	5YR	04/02/2007	2007-8/132
R652-20	Mineral Resources	29760	5YR	04/02/2007	2007-8/133
R652-20-1600	Posting Dates/Simultaneous Filing	29468	AMD	03/26/2007	2007-4/36
R652-30	Special Use Leases	29759	5YR	04/02/2007	2007-8/133
R652-40	Easements	29767	5YR	04/02/2007	2007-8/134
R652-50	Range Management	29764	5YR	04/02/2007	2007-8/134
R652-60	Cultural Resources	29755	5YR	04/02/2007	2007-8/135
R652-70	Sovereign Lands	29765	5YR	04/02/2007	2007-8/135
R652-90	Sovereign Land Management Planning	29763	5YR	04/02/2007	2007-8/136
R652-100	Materials Permits	29762	5YR	04/02/2007	2007-8/136
R652-122-300	Minimum Standards for Wildland Fire Training	29170	AMD	01/03/2007	2006-22/40
R652-122-300	Minimum Standards for Wildland Fire Training	29467	NSC	02/13/2007	Not Printed
R652-130	Leaf-it-to-us, Children's Crusade for Trees Administration (EXPIRED RULE)	29800	NSC	04/03/2007	Not Printed
R652-140	Utah Forest Practices Act (EXPIRED RULE)	29433	NSC	01/23/2007	Not Printed
R652-140	Utah Forest Practices Act	29461	NEW	03/26/2007	2007-4/37
<u>Water Rights</u>					
R655-1	Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah	30182	5YR	07/12/2007	2007-15/69
R655-2	Procedure for Administrative Proceedings Before the Division of Water Rights Commenced Prior to January 1, 1988	30181	5YR	07/12/2007	2007-15/69
<u>Wildlife Resources</u>					
R657-2	Adjudicative Proceedings	29922	5YR	05/07/2007	2007-11/86
R657-4	Possession of Live Game Birds	29996	5YR	05/31/2007	2007-12/66
R657-5	Taking Big Game	29351	AMD	02/07/2007	2007-1/25
R657-5	Taking Big Game	29923	AMD	07/09/2007	2007-11/75
R657-5	Taking Big Game	30063	AMD	08/07/2007	2007-13/84
R657-5-43	General Archery Elk Hunt	29502	AMD	04/09/2007	2007-5/17
R657-6	Taking Upland Game	30064	AMD	08/07/2007	2007-13/86
R657-9	Taking Waterfowl, Common Snipe and Coot	30065	AMD	08/07/2007	2007-13/88
R657-10	Taking Cougar	30066	AMD	08/07/2007	2007-13/90
R657-12	Hunting and Fishing Accommodations for Disabled People	29637	AMD	05/08/2007	2007-7/73
R657-13	Taking Fish and Crayfish	30067	AMD	08/07/2007	2007-13/93
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	30173	5YR	07/09/2007	2007-15/70
R657-17	Lifetime Hunting and Fishing License	30068	AMD	08/07/2007	2007-13/95

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R657-17-3	Lifetime License Entitlement	29328	AMD	02/07/2007	2007-1/34
R657-18	Wood Products on Division of Wildlife Resources Lands	30083	REP	08/07/2007	2007-13/97
R657-18	Wood Products on Division of Wildlife Resources Lands (5YR EXTENSION)	30035	NSC	08/07/2007	Not Printed
R657-20	Falconry	29398	5YR	01/10/2007	2007-3/66
R657-20	Falconry	29401	AMD	03/12/2007	2007-3/19
R657-22	Commercial Hunting Areas	29921	5YR	05/07/2007	2007-11/87
R657-22-3	Application for a Certificate of Registration	29635	AMD	05/08/2007	2007-7/75
R657-26	Adjudicative Proceedings for a License, Permit, or Certificate of Registration	30077	AMD	08/07/2007	2007-13/98
R657-27	License Agent Procedures	29794	5YR	04/04/2007	2007-9/45
R657-27	License Agent Procedures	29636	AMD	05/08/2007	2007-7/76
R657-28	Use of Division Lands - Rights-of-Way, Leases, and Special Use Permits	30084	AMD	08/07/2007	2007-13/101
R657-28	Use of Division Lands	30313	5YR	08/14/2007	2007-17/63
R657-28	Use of Division Lands - Rights-of-Way, Leases, and Special Use Permits (5YR EXTENSION)	30036	NSC	08/14/2007	Not Printed
R657-29	Government Records Access Management Act	29916	5YR	05/03/2007	2007-11/87
R657-30	Fishing License for the Terminally Ill	29920	5YR	05/07/2007	2007-11/88
R657-33	Taking Bear	29402	AMD	03/12/2007	2007-3/24
R657-33	Taking Bear	30069	AMD	08/07/2007	2007-13/111
R657-38	Dedicated Hunter Program	29329	AMD	02/07/2007	2007-1/35
R657-38	Dedicated Hunter Program	30070	AMD	08/07/2007	2007-13/113
R657-41	Conservation and Sportsman Permits	30071	AMD	08/07/2007	2007-13/117
R657-41-2	Definitions	29201	AMD	01/09/2007	2006-23/69
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	29330	AMD	02/07/2007	2007-1/37
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	30076	AMD	08/07/2007	2007-13/118
R657-43	Landowner Permits (5YR EXTENSION)	29580	NSC	03/13/2007	Not Printed
R657-43	Landowner Permits	29639	5YR	03/13/2007	2007-7/183
R657-43	Landowner Permits	29704	NSC	04/12/2007	Not Printed
R657-43	Landowner Permits	30072	AMD	08/07/2007	2007-13/120
R657-44	Big Game Depredation	30109	5YR	06/20/2007	2007-14/51
R657-44	Big Game Depredation	30073	AMD	08/07/2007	2007-13/122
R657-44-6	Damage to Livestock Forage on Private Land	29638	AMD	05/08/2007	2007-7/79
R657-49	Big Game Conservation Easements on Former School Trust Lands (5YR EXTENSION)	29165	NSC	02/07/2007	Not Printed
R657-49	Big Game Conservation Easements on Former School Trust Lands	29349	REP	02/07/2007	2007-1/39
R657-50	Error Remedy	29795	5YR	04/04/2007	2007-9/45
R657-50	Error Remedy	29703	NSC	04/12/2007	Not Printed
R657-51	Youth Permits	29530	REP	04/23/2007	2007-6/27
R657-51	Youth Permits (5YR EXTENSION)	29536	NSC	04/23/2007	Not Printed
R657-53	Amphibian and Reptile Collection, Importation, Transportation, and Possession	29751	AMD	05/22/2007	2007-8/92
R657-54	Taking Wild Turkey	30074	AMD	08/07/2007	2007-13/125
R657-55	Wildlife Convention Permits	30075	AMD	08/07/2007	2007-13/128
R657-56	Recreational Lease of Private Lands for Free Public Walk-in Access	30078	AMD	08/07/2007	2007-13/130

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Pardons (Board Of)					
<u>Administration</u>					
R671-101	Rules	30215	5YR	07/25/2007	2007-16/73
R671-102	Americans with Disabilities Act complaint Procedure Rule	30214	5YR	07/25/2007	2007-16/74
R671-201	Original Parole Grant Hearing Schedule and Notice	30216	5YR	07/25/2007	2007-16/74
R671-202	Notification of Hearings	30217	5YR	07/25/2007	2007-16/75
R671-203	Victim Input and Notification	30218	5YR	07/25/2007	2007-16/75
R671-205	Credit for Time Served	30219	5YR	07/25/2007	2007-16/75
R671-206	Competency of Offenders	30221	5YR	07/25/2007	2007-16/76
R671-207	Mentally Ill and Deteriorated Offender Custody Transfer	30222	5YR	07/25/2007	2007-16/76
R671-301	Personal Appearance	30223	5YR	07/25/2007	2007-16/77
R671-302	News Media and Public Access to Hearings	30224	5YR	07/25/2007	2007-16/77
R671-303	Offender Access to Information	30225	5YR	07/25/2007	2007-16/78
R671-304	Hearing Record	30226	5YR	07/25/2007	2007-16/78
R671-305	Notification of Board Decision	30227	5YR	07/25/2007	2007-16/78
R671-308	Offender Hearing Assistance	30229	5YR	07/25/2007	2007-16/79
R671-309	Impartial Hearings	30230	5YR	07/25/2007	2007-16/79
R671-310	Rescission Hearings	30232	5YR	07/25/2007	2007-16/80
R671-311	Special Attention Hearings and Reviews	30231	5YR	07/25/2007	2007-16/80
R671-315	Pardons	30233	5YR	07/25/2007	2007-16/80
R671-316	Redetermination	30234	5YR	07/25/2007	2007-16/81
R671-402	Special Conditions of Parole	30235	5YR	07/25/2007	2007-16/81
R671-405	Parole Termination	30236	5YR	07/25/2007	2007-16/82
Public Education Job Enhancement Program					
<u>Job Enhancement Committee</u>					
R690-100	Public Education Job Enhancement Program Participant Eligibility and Requirements	30099	AMD	08/07/2007	2007-13/132
Public Safety					
<u>Administration</u>					
R698-1	Public Petitions for Declaratory Orders	29384	5YR	01/02/2007	2007-2/118
R698-2	Government Records Access and Management Act Rule	29385	5YR	01/02/2007	2007-2/118
R698-3	Americans With Disabilities Act (ADA) Complaint Procedure	29386	5YR	01/02/2007	2007-2/119
R698-100	Possession of Firearms, Ammunition, Dangerous Weapons, Explosives, Chemical and Incendiary Devices in Olympic Venue Secure Areas	29787	5YR	04/02/2007	2007-8/136
R698-100	Possession of Firearms, Ammunition, Dangerous Weapons, Explosives, Chemical and Incendiary Devices in Olympic Venue Secure Areas (5YR EXTENSION)	29331	NSC	04/02/2007	Not Printed
R698-100	Possession of Firearms, Ammunition, Dangerous Weapons, Explosives, Chemical and Incendiary Devices in Olympic venue Secure Areas	29728	REP	05/23/2007	2007-8/109
<u>Driver License</u>					
R708-2	Commercial Driver Training Schools	29593	5YR	03/02/2007	2007-7/184
R708-3	Driver License Point System Administration	29590	5YR	03/02/2007	2007-7/184

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R708-7	Functional Ability in Driving: Guidelines for Physicians	29633	5YR	03/13/2007	2007-7/184
R708-7-10	Use of the Functional Ability Profile	29582	AMD	04/23/2007	2007-6/29
R708-8	Review Process: Driver License Medical Section	29723	5YR	03/23/2007	2007-8/137
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	29591	5YR	03/02/2007	2007-7/185
R708-21	Third-Party Testing	29727	5YR	03/23/2007	2007-8/137
R708-25	Commercial Driver License Applicant Fitness Certification	29734	5YR	03/26/2007	2007-8/138
R708-25	Commercial Driver License Applicant Fitness Certification	29741	NSC	04/12/2007	Not Printed
R708-27	Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests	29729	5YR	03/23/2007	2007-8/139
R708-34	Medical Waivers for Intrastate Commercial Driving Privileges	29589	5YR	03/02/2007	2007-7/185
R708-35	Adjudicative Proceedings For Driver License Offenses Not Involving Alcohol or Drug Actions	29592	5YR	03/02/2007	2007-7/186
R708-43	YES or NO Notification	29805	AMD	06/08/2007	2007-9/27
<u>Fire Marshal</u>					
R710-1	Concerns Servicing Portable Fire Extinguishers	29677	AMD	05/08/2007	2007-7/80
R710-1	Concerns Servicing Portable Fire Extinguishers	29981	5YR	05/30/2007	2007-12/67
R710-2	Rules Pursuant to the Utah Fireworks Act	29422	AMD	03/12/2007	2007-3/27
R710-2	Rules Pursuant to the Utah Fireworks Act	30031	5YR	06/04/2007	2007-13/155
R710-2-7	Importer, Wholesaler, Display or Special Effects Operator Licenses	29679	NSC	03/29/2007	Not Printed
R710-3	Assisted Living Facilities	29235	AMD	01/09/2007	2006-23/70
R710-3	Assisted Living Facilities	30034	5YR	06/04/2007	2007-13/155
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	29233	AMD	01/09/2007	2006-23/72
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	30043	5YR	06/08/2007	2007-13/156
R710-4-3	Amendments and Additions	29683	AMD	05/08/2007	2007-7/82
R710-6	Liquefied Petroleum Gas Rules	29423	AMD	03/12/2007	2007-3/29
R710-7	Concerns Servicing Automatic Fire Suppression Systems	30007	5YR	05/31/2007	2007-12/67
R710-8	Day Care Rules	29234	AMD	01/09/2007	2006-23/76
R710-8	Day Care Rules	29706	5YR	03/16/2007	2007-8/139
R710-9	Rules Pursuant to the Utah Fire Prevention Law	29232	AMD	01/09/2007	2006-23/78
R710-9	Rules Pursuant to the Utah Fire Prevention Law	29421	AMD	03/12/2007	2007-3/32
R710-9	Rules Pursuant to the Utah Fire Prevention Law	29702	AMD	05/08/2007	2007-7/83
R710-9	Rules Pursuant to the Utah Fire Prevention Law	30044	5YR	06/08/2007	2007-13/156
R710-11	Fire Alarm System Inspecting and Testing	29701	AMD	05/08/2007	2007-7/88
<u>Criminal Investigations and Technical Services, Criminal Identification</u>					
R722-300	Concealed Firearm Permit Rule	30371	EMR	08/28/2007	Not Printed
<u>Peace Officer Standards and Training</u>					
R728-101	Public Petitions For Declaratory Rulings	29551	5YR	02/26/2007	2007-6/40
R728-205-1	Authority	29196	AMD	01/20/2007	2006-23/83
R728-205-1	Authority	29374	NSC	01/20/2007	Not Printed
R728-401	Requirements For Approval and Certification of Peace Officer Basic Training Programs and Applicants	29548	5YR	02/26/2007	2007-6/67

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R728-401	Requirements For Approval and Certification of Peace Officer Basic Training Programs and Applicants	29552	5YR	02/26/2007	2007-6/41
R728-401-3	Procedures for Course Validation	29147	AMD	01/20/2007	2006-22/45
R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	29176	AMD	01/20/2007	2006-22/47
R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	29553	5YR	02/26/2007	2007-6/41
R728-403	Qualifications For Admission To Certified Peace Officer Training Academies	29557	5YR	02/26/2007	2007-6/42
R728-404	Basic Training Basic Academy Rules	29558	5YR	02/26/2007	2007-6/42
R728-405	Drug Testing Requirement	29559	5YR	02/26/2007	2007-6/43
R728-406	Requirements For Approval and Certification of Basic Correctional, Reserve and Special Function Training Programs and Applicants	29560	5YR	02/26/2007	2007-6/43
R728-407	Waiver/Reactivation Process	29561	5YR	02/26/2007	2007-6/44
R728-409	Refusal, Suspension, or Revocation of Peace Officer Certification	29562	5YR	02/27/2007	2007-6/44
R728-410	Guidelines Regarding Failure To Obtain Annual Statutory Training	29563	5YR	02/27/2007	2007-6/45
R728-410-2	Suspension for Failure to Obtain Annual Statutory Training	30280	NSC	08/14/2007	Not Printed
R728-411	Guidelines Regarding Administrative Action Taken Against Individuals Functioning As Peace Officers Without Peace Officer Certification Or Powers	30211	5YR	07/23/2007	2007-16/82
R728-411	Guidelines Regarding Administrative Action Taken Against Individuals Functioning As Peace Officers Without Peace Officer Certification Or Powers	30196	NSC	07/30/2007	Not Printed
R728-500	Utah Peace Officer Standards and Training In-Service Training Certification Procedures	29565	5YR	02/27/2007	2007-6/45

Public Service Commission

Administration

R746-348	Interconnection	29428	5YR	01/22/2007	2007-4/67
R746-349	Competitive Entry and Reporting Requirements	29626	5YR	03/08/2007	2007-7/186
R746-351	Pricing Flexibility	29627	5YR	03/09/2007	2007-7/187
R746-400	Public Utility Reports	30107	5YR	06/19/2007	2007-14/52
R746-409	Pipeline Safety	29438	AMD	03/27/2007	2007-4/38
R746-420	Requests for Approval of a Solicitation Process	29376	NEW	05/17/2007	2007-2/102
R746-420	Requests for Approval of a Solicitation Process	29376	CPR	05/17/2007	2007-7/138
R746-420-2	Requests for Waiver of a Solicitation Process	30115	AMD	08/28/2007	2007-14/29
R746-430	Procedural and Informational Requirements for Review of Utility's Action Plan	29377	NEW	05/17/2007	2007-2/109
R746-430	Procedural and Informational Requirements for Review of Utility's Action Plan	29377	CPR	05/17/2007	2007-7/145
R746-430	Procedural and Informational Requirements for Action Plans and Significant Energy Resource Review and Approval	30114	AMD	08/28/2007	2007-14/31
R746-440	Significant Energy Resource Solicitation	29378	NEW	03/19/2007	2007-2/111

Regents (Board Of)

Administration

R765-607	Utah Higher Education Tuition Assistance Program	30165	AMD	08/22/2007	2007-14/32
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College of Eastern Utah

R767-1	Government Records Access and Management Act	30108	5YR	06/19/2007	2007-14/52
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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>University of Utah, Parking and Transportation Services</u>					
R810-2	Parking Meters	29532	5YR	02/21/2007	2007-6/46
R810-5	Permit Types, Eligibility, and Designated Parking Areas	29539	5YR	02/22/2007	2007-6/46
R810-6	Permit Prices and Refunds	29537	5YR	02/21/2007	2007-6/47
R810-9	Contractors and Their Employees	29540	5YR	02/22/2007	2007-6/47
R810-10	Enforcement System	29541	5YR	02/22/2007	2007-6/47
R810-11	Appeals System	29542	5YR	02/22/2007	2007-6/48
School and Institutional Trust Lands					
<u>Administration</u>					
R850-1	Definition of Terms	30147	5YR	06/27/2007	2007-14/53
R850-2	Trust Land Management Objectives	30145	5YR	06/27/2007	2007-14/53
R850-3	Applicant Qualifications, Application Forms, and Application Processing	30146	5YR	06/27/2007	2007-14/54
R850-4	Application Fees and Assessments	30149	5YR	06/27/2007	2007-14/54
R850-5	Payments, Royalties, Audits, and Reinstatements	29904	AMD	06/21/2007	2007-10/81
R850-5	Payments, Royalties, Audits, and Reinstatements	30144	5YR	06/27/2007	2007-14/55
R850-6	Government Records Access and Management	30148	5YR	06/27/2007	2007-14/55
R850-11	Procurement	29859	5YR	04/24/2007	2007-10/129
R850-30	Special Use Leases	30150	5YR	06/27/2007	2007-14/56
R850-40	Easements	30151	5YR	06/27/2007	2007-14/56
R850-50	Range Management	30152	5YR	06/27/2007	2007-14/57
R850-60	Cultural Resources	30153	5YR	06/27/2007	2007-14/57
R850-80	Sale of Trust Lands	30154	5YR	06/27/2007	2007-14/58
R850-90	Land Exchanges	29408	5YR	01/12/2007	2007-3/66
R850-100	Trust Land Management Planning	30325	5YR	08/15/2007	2007-17/64
R850-120	Beneficiary Use of Institutional Trust Lands.	29409	5YR	01/12/2007	2007-3/67
Science Technology and Research Governing Auth.					
<u>Administration</u>					
R856-1	Formation and Funding of Utah Science Technology and Research Innovation Teams	29298	NEW	04/04/2007	2006-24/35
R856-1-6	Ongoing Funding for Utah Science Technology and Research Innovation Team	29375	AMD	04/04/2007	2007-2/113
R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	29299	NEW	04/04/2007	2006-24/37
Tax Commission					
<u>Administration</u>					
R861-1A	Administrative Procedures	29713	5YR	03/20/2007	2007-8/139
R861-1A-19	Definition of Bond Pursuant to Utah Code Ann. Section 59-1-505	29324	AMD	02/12/2007	2007-1/41
R861-1A-41	Date of Assessment Pursuant to Ann. Sections 59-1-302.1 and 59-1-706	29941	AMD	07/16/2007	2007-11/76
<u>Auditing</u>					
R865-3C	Corporation Income Tax	29714	5YR	03/21/2007	2007-8/142
R865-4D	Special Fuel Tax	29556	5YR	02/26/2007	2007-6/48
R865-6F	Franchise Tax	29624	5YR	03/08/2007	2007-7/187

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R865-6F-30	Higher Education Savings Incentive Program Tax Deduction Pursuant to Utah Code Ann. Sections 53B-8a-112, 59-7-105, and 59-7-106	29323	AMD	02/12/2007	2007-1/41
R865-6F-37	Disclosure of Reportable Transactions and Material adviser List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309	29437	AMD	04/16/2007	2007-4/40
R865-9I	Income Tax	29712	5YR	03/20/2007	2007-8/142
R865-9I-32	Confidentiality of Return Information, Penalties, and Exchange of Information With the Internal Revenue Service or Governmental Units Pursuant to Utah Code Ann. Section 59-10-545	29320	AMD	02/12/2007	2007-1/42
R865-9I-42	Order of Credits Applied Against Utah Individual Income Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-13-202, and Title 59, Chapter 10	29786	NSC	04/12/2007	Not Printed
R865-9I-49	Higher Education Savings Incentive Program Tax Deduction Pursuant to Utah Code Ann. Sections 53B-8a-112 and 59-10-114	29315	AMD	02/12/2007	2007-1/43
R865-9I-52	Subtractions For Health Care Insurance and For Premiums for Long-term Care Insurance Pursuant to Utah Code Ann. Section 59-10-114	29314	AMD	02/12/2007	2007-1/44
R865-9I-53	Disclosure of Reportable Transactions and Material adviser List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309	29436	AMD	04/16/2007	2007-4/41
R865-11Q	Sales and Use Tax	29644	5YR	03/14/2007	2007-7/189
R865-12L	Local Sales and Use Tax	29705	5YR	03/16/2007	2007-8/144
R865-13G	Motor Fuel Tax	29628	5YR	03/09/2007	2007-7/190
R865-14W	Mineral Producers' Withholding Tax	29707	5YR	03/19/2007	2007-8/146
R865-15O	Oil and Gas Tax	29708	5YR	03/19/2007	2007-8/146
R865-19S	Sales and Use Tax	29641	5YR	03/13/2007	2007-7/191
R865-19S-38	Isolated and Occasional Sales Pursuant to Utah Code Ann. Section 59-12-104	30137	AMD	08/21/2007	2007-14/36
R865-19S-58	Materials and Supplies Sold to Owners, Contractors and Repairmen of Real Property Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103	29942	AMD	07/16/2007	2007-11/78
R865-20T	Tobacco Tax	29709	5YR	03/19/2007	2007-8/147
R865-20T-2	Methods of Paying Taxes on Cigarettes and Tobacco Products Pursuant to Utah Code Ann. Sections 59-14-205 and 59-14-303	29943	AMD	07/16/2007	2007-11/79
R865-20T-6	Purchase of Cigarette Stamps Pursuant to Utah Code Ann. Section 59-14-206	29929	NSC	05/31/2007	Not Printed
R865-20T-12	Definition of Counterfeit Tax Stamp Pursuant to Utah Code Ann. Section 59-14-102	29325	AMD	02/12/2007	2007-1/45
R865-20T-12	Definition of Counterfeit Tax Stamp Pursuant to Utah Code Ann. Section 59-14-102	29643	NSC	03/29/2007	Not Printed
R865-25X	Brine Shrimp Royalty	29715	5YR	03/21/2007	2007-8/148
<u>Motor Vehicle</u>					
R873-22M	Motor Vehicle	29631	5YR	03/12/2007	2007-7/194
<u>Motor Vehicle Enforcement</u>					
R877-23V	Motor Vehicle Enforcement	29651	5YR	03/14/2007	2007-7/196
R877-23V-4	License Holder Prohibitions Pursuant to Utah Code Ann. Section 41-3-210	29940	AMD	07/16/2007	2007-11/80
R877-23V-8	Signs and Identification Pursuant to Utah Code Ann. Section 41-3-105	29938	AMD	07/16/2007	2007-11/81
R877-23V-14	Dealer Identification of Fees Associated with Issuance of Temporary Permits Pursuant to Utah Code Ann Sections 41-3-301 and 41-3-302	29930	AMD	07/16/2007	2007-11/82

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Property Tax</u>					
R884-24P	Property Tax	29630	5YR	03/12/2007	2007-7/197
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	29223	AMD	01/12/2007	2006-23/83
R884-24P-68	Property Tax Exemption for Taxable Tangible Personal Property With a Total Aggregate Fair Market Value of \$3,500 or Less Pursuant to Utah Code Ann. Section 59-2-1115	29928	AMD	07/16/2007	2007-11/83
Technology Services					
<u>Administration</u>					
R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	29978	5YR	05/29/2007	2007-12/68
Transportation					
<u>Administration</u>					
R907-66	Administration, Architecture/Engineering Services Procurement, Consultant Services -- Eligibility of Costs for Reimbursement -- Bonuses or Incentive Compensation	29182	AMD	01/03/2007	2006-22/50
<u>Motor Carrier</u>					
R909-1-1	Adoption of Federal Regulations	29338	AMD	02/08/2007	2007-1/45
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification	29341	AMD	02/08/2007	2007-1/46
R909-75	Adoption of Federal Regulations	29339	AMD	02/08/2007	2007-1/49
<u>Motor Carrier, Ports of Entry</u>					
R912-9	Pilot/Escort Requirements and Certification Program	30009	AMD	07/27/2007	2007-12/42
R912-76	Single Tire Configuration	29426	5YR	01/19/2007	2007-4/68
<u>Operations, Construction</u>					
R916-1	Advertising and Awarding Construction Contracts	29183	AMD	01/03/2007	2006-22/52
R916-2-3	Prequalification Policy	29184	AMD	01/03/2007	2006-22/53
<u>Operations, Maintenance</u>					
R918-2	Widening Pavement to Curb and Gutter	29456	REP	06/06/2007	2007-4/42
R918-3	Snow Removal	30296	5YR	08/09/2007	2007-17/64
<u>Operations, Traffic and Safety</u>					
R920-1	Manual of Uniform Traffic Control Devices	30306	5YR	08/13/2007	2007-17/65
R920-1	Manual of Uniform Traffic Control Devices (5YR EXTENSION)	30002	NSC	08/13/2007	Not Printed
R920-3	Manual of Uniform Traffic Control Devices, Part VI	30299	5YR	08/10/2007	2007-17/65
R920-4	Permit for Special Road Use or Event	30300	5YR	08/10/2007	2007-17/66
R920-5	Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices	30301	5YR	08/10/2007	2007-17/66
R920-6	Snow Tire and Chain Requirements	30303	5YR	08/13/2007	2007-17/67
R920-50	Ropeway Operation Safety Rules	30304	5YR	08/13/2007	2007-17/67
R920-50-1	Utah Ropeway Rules for Passenger Ropeways	29340	AMD	02/13/2007	2007-1/50
R920-51	Safety Regulations for Railroads	30305	5YR	08/13/2007	2007-17/68
<u>Program Development</u>					
R926-4	Establishing and Defining a Functional Classification of Highways in the State of Utah	29455	NEW	03/26/2007	2007-4/43

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R926-6	Transportation Corridor Preservation Revolving Loan Fund	29358	AMD	02/22/2007	2007-2/114
Workforce Services					
<u>Administration</u>					
R982-101	Americans with Disabilities Complaint Procedure	30136	5YR	06/26/2007	2007-14/58
R982-201	Government Records Access and Management Act	30138	5YR	06/26/2007	2007-14/59
R982-301	Councils	30139	5YR	06/26/2007	2007-14/59
R982-601	Provider Code of Conduct	30140	5YR	06/26/2007	2007-14/60
<u>Employment Development</u>					
R986-100-114a	Determining When a Document is Considered Received by the Department	29700	AMD	06/14/2007	2007-7/89
R986-200	Family Employment Program	29587	AMD	05/01/2007	2007-6/30
R986-200	Family Employment Program	29853	AMD	07/01/2007	2007-10/83
R986-200-215	Family Employment Program Two Parent Household (FEPTP)	29414	AMD	03/15/2007	2007-3/36
R986-200-217	Time Limits	30105	NSC	06/29/2007	Not Printed
R986-200-231	Assets That Are Not Counted (Exempt) for Eligibility Purposes	29974	AMD	07/31/2007	2007-12/45
R986-200-246	Transitional Cash Assistance	29300	AMD	02/01/2007	2006-24/38
R986-400	General Assistance and Working Toward Employment	29854	AMD	07/01/2007	2007-10/85
R986-400	General Assistance and Working Toward Employment	29976	AMD	07/31/2007	2007-12/46
R986-500-504	AA Financial Assistance Eligibility and Amount	29975	AMD	07/31/2007	2007-12/47
R986-700	Child Care Assistance	29301	AMD	02/01/2007	2006-24/39
R986-700	Child Care Assistance	29491	AMD	04/01/2007	2007-4/44
R986-700	Child Care Assistance	29852	AMD	07/01/2007	2007-10/87
R986-700-709	Employment Support (ES) CC	29973	AMD	07/31/2007	2007-12/48
R986-900-902	Options and Waivers	29588	AMD	05/01/2007	2007-6/34
<u>Unemployment Insurance</u>					
R994-102	Employment Security Act, Public Policy and Authority	29954	5YR	05/16/2007	2007-12/68
R994-106	Combined Wage Claims	29955	5YR	05/17/2007	2007-12/69
R994-202	Employing Units	29678	R&R	07/01/2007	2007-7/90
R994-204	Included Employment	29680	R&R	07/01/2007	2007-7/96
R994-205	Exempt Employment	29681	R&R	07/01/2007	2007-7/103
R994-206	Agricultural Labor	29682	R&R	07/01/2007	2007-7/107
R994-208	Definition of Wages	29685	R&R	07/01/2007	2007-7/111
R994-302	Payment by Employer	29686	R&R	07/01/2007	2007-7/115
R994-303	Contribution Rates and Relief of Charges	29956	5YR	05/17/2007	2007-12/69
R994-303	Contribution Rates and Relief of Charges	29687	R&R	07/01/2007	2007-7/118
R994-305	Collection of Contributions	29688	R&R	07/01/2007	2007-7/122
R994-306-202	Relief of Charges Decisions	29743	NSC	04/12/2007	Not Printed
R994-308	Bond or Security Requirement	29689	R&R	07/01/2007	2007-7/125
R994-309	Nonprofit Organizations	29697	AMD	07/01/2007	2007-7/127
R994-310	Coverage	29695	R&R	07/01/2007	2007-7/128
R994-311	Governmental Units and Indian Tribes	29698	AMD	07/01/2007	2007-7/130
R994-312	Employing Unit Records - Confidential	29699	AMD	07/01/2007	2007-7/132
R994-315-103	Reporting Formats	30106	AMD	08/08/2007	2007-13/134

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R994-401	Payment of Benefits	29959	5YR	05/17/2007	2007-12/70
R994-402	Extended Benefits	29958	5YR	05/17/2007	2007-12/70
R994-403	Claim for Benefits	30141	5YR	06/26/2007	2007-14/60
R994-404	Payments Following Workers' Compensation	29962	5YR	05/22/2007	2007-12/71
R994-405	Ineligibility for Benefits	30142	5YR	06/26/2007	2007-14/61
R994-405	Ineligibility for Benefits	29855	AMD	08/08/2007	2007-10/88
R994-405-3	Professional Employment Organizations (PEO)	30104	AMD	08/08/2007	2007-13/135
R994-406	Fraud, Fault and Nonfault Overpayments	29963	5YR	05/22/2007	2007-12/71

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	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>access</u>					
Environmental Quality, Drinking Water	29782	R309-545	5YR	04/02/2007	2007-8/126
<u>access to information</u>					
Administrative Services, Administration	29771	R13-2	5YR	04/02/2007	2007-8/119
	29772	R13-2	AMD	05/22/2007	2007-8/3
<u>accountants</u>					
Commerce, Occupational and Professional Licensing	29473	R156-26a	5YR	02/01/2007	2007-4/56
<u>accreditation</u>					
Education, Administration	30087	R277-413	AMD	08/07/2007	2007-13/12
	29477	R277-505	AMD	03/27/2007	2007-4/13
	29737	R277-505-5	NSC	04/12/2007	Not Printed
<u>acid rain</u>					
Environmental Quality, Air Quality	30192	R307-417	5YR	07/13/2007	2007-15/67
<u>action plan</u>					
Public Service Commission, Administration	29377	R746-430	CPR	05/17/2007	2007-7/145
	29377	R746-430	NEW	05/17/2007	2007-2/109
	30114	R746-430	AMD	08/28/2007	2007-14/31
<u>acupuncture</u>					
Commerce, Occupational and Professional Licensing	29395	R156-72	5YR	01/09/2007	2007-3/57
	29735	R156-72-302c	NSC	04/12/2007	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>adjudicative procedures</u>					
Commerce, Securities	30265	R164-18	5YR	07/30/2007	2007-16/62
Community and Culture, Library	30079	R223-1	5YR	06/13/2007	2007-13/143
<u>adjudicative proceedings</u>					
Administrative Services, Facilities Construction and Management	29474	R23-25	AMD	04/11/2007	2007-4/2
Community and Culture, History	30201	R212-1	5YR	07/17/2007	2007-16/64
Public Safety, Driver License	29591	R708-14	5YR	03/02/2007	2007-7/185
	29592	R708-35	5YR	03/02/2007	2007-7/186
<u>administration procedures</u>					
Environmental Quality, Drinking Water	29362	R309-300-13	NSC	03/06/2007	Not Printed
<u>administrative law</u>					
Administrative Services, Administrative Rules	29554	R15-3-5	AMD	04/30/2007	2007-6/5
	30112	R15-4-10	AMD	08/24/2007	2007-14/3
	30111	R15-4-10	EMR	07/01/2007	2007-14/38
Administrative Services, Facilities Construction and Management	29474	R23-25	AMD	04/11/2007	2007-4/2
Human Services, Recovery Services	30354	R527-257	5YR	08/22/2007	Not Printed
	30355	R527-258	5YR	08/22/2007	Not Printed
<u>administrative procedures</u>					
Commerce, Consumer Protection	30118	R152-6	5YR	06/22/2007	2007-14/42
Community and Culture, History	30201	R212-1	5YR	07/17/2007	2007-16/64
Community and Culture, Library	30079	R223-1	5YR	06/13/2007	2007-13/143
Environmental Quality, Drinking Water	29361	R309-115-2	NSC	03/06/2007	Not Printed
	29363	R309-150	AMD	03/06/2007	2007-2/31
	29360	R309-405-4	NSC	03/06/2007	Not Printed
Health, Administration	30336	R380-1	5YR	08/20/2007	Not Printed
	30337	R380-5	5YR	08/20/2007	Not Printed
	30338	R380-10	5YR	08/20/2007	Not Printed
	29884	R477-3	AMD	07/01/2007	2007-10/49
	30058	R477-3	5YR	06/09/2007	2007-13/146
	29892	R477-12	AMD	07/01/2007	2007-10/72
	30053	R477-12	5YR	06/09/2007	2007-13/152
	30054	R477-15	5YR	06/09/2007	2007-13/153
	29895	R477-15	NSC	05/11/2007	Not Printed
Labor Commission, Adjudication	30317	R602-1	5YR	08/15/2007	2007-17/62
	30318	R602-2	5YR	08/15/2007	2007-17/62
	29957	R602-2-4	AMD	07/24/2007	2007-12/40
Labor Commission, Industrial Accidents	30320	R612-1	5YR	08/15/2007	2007-17/63
Natural Resources, Forestry, Fire and State Lands	29756	R652-1	5YR	04/02/2007	2007-8/130
	29758	R652-3	5YR	04/02/2007	2007-8/131
	29761	R652-4	5YR	04/02/2007	2007-8/131
	29757	R652-5	5YR	04/02/2007	2007-8/132
	29760	R652-20	5YR	04/02/2007	2007-8/133

<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>
	29468	R652-20-1600	AMD	03/26/2007	2007-4/36
	29759	R652-30	5YR	04/02/2007	2007-8/133
	29767	R652-40	5YR	04/02/2007	2007-8/134
	29764	R652-50	5YR	04/02/2007	2007-8/134
	29765	R652-70	5YR	04/02/2007	2007-8/135
	29762	R652-100	5YR	04/02/2007	2007-8/136
	29800	R652-130	NSC	04/03/2007	Not Printed
Natural Resources, Wildlife Resources	29922	R657-2	5YR	05/07/2007	2007-11/86
Public Safety, Administration	29384	R698-1	5YR	01/02/2007	2007-2/118
Public Safety, Driver License	29633	R708-7	5YR	03/13/2007	2007-7/184
	29582	R708-7-10	AMD	04/23/2007	2007-6/29
	29723	R708-8	5YR	03/23/2007	2007-8/137
School and Institutional Trust Lands, Administration	30147	R850-1	5YR	06/27/2007	2007-14/53
	30146	R850-3	5YR	06/27/2007	2007-14/54
	30149	R850-4	5YR	06/27/2007	2007-14/54
	30144	R850-5	5YR	06/27/2007	2007-14/55
	29904	R850-5	AMD	06/21/2007	2007-10/81
	30150	R850-30	5YR	06/27/2007	2007-14/56
	30151	R850-40	5YR	06/27/2007	2007-14/56
	30152	R850-50	5YR	06/27/2007	2007-14/57
	30154	R850-80	5YR	06/27/2007	2007-14/58
	29408	R850-90	5YR	01/12/2007	2007-3/66
	29409	R850-120	5YR	01/12/2007	2007-3/67
<u>administrative responsibility</u>					
Human Resource Management, Administration	29883	R477-2	AMD	07/01/2007	2007-10/46
	30049	R477-2	5YR	06/09/2007	2007-13/145
<u>administrative rules</u>					
Human Resource Management, Administration	30057	R477-13	5YR	06/09/2007	2007-13/152
	29896	R477-13-1	NSC	05/11/2007	Not Printed
<u>admission guidelines</u>					
Human Services, Juvenile Justice Services	30033	R547-13	5YR	06/04/2007	2007-13/154
<u>adoption</u>					
Human Services, Child and Family Services	30290	R512-2	5YR	08/07/2007	2007-17/59
	30292	R512-40	5YR	08/07/2007	2007-17/60
	30293	R512-42	5YR	08/07/2007	2007-17/61
	29388	R512-43	5YR	01/03/2007	2007-3/59
<u>adoption assistance</u>					
Workforce Services, Employment Development	29975	R986-500-504	AMD	07/31/2007	2007-12/47
<u>advertising</u>					
Commerce, Consumer Protection	29470	R152-11	5YR	02/01/2007	2007-4/55
Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>agricultural law</u>					
Agriculture and Food, Plant Industry	29453	R68-19	5YR	01/29/2007	2007-4/55
Agriculture and Food, Regulatory Services	29492	R70-201	5YR	02/02/2007	2007-5/21
<u>AIDS</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	30206	R388-801	5YR	07/19/2007	2007-16/68
	30207	R388-802	5YR	07/19/2007	2007-16/69
<u>air pollution</u>					
Environmental Quality, Air Quality	29661	R307-101	5YR	03/15/2007	2007-7/150
	29000	R307-101-2	CPR	03/09/2007	2007-3/39
	29000	R307-101-2	AMD	03/09/2007	2006-19/27
	29501	R307-105	NSC	07/13/2007	Not Printed
	30183	R307-105	5YR	07/13/2007	2007-15/62
	29662	R307-110	5YR	03/15/2007	2007-7/151
	29001	R307-110-13	CPR	03/09/2007	2007-3/40
	29514	R307-110-20	AMD	05/02/2007	2007-5/13
	29801	R307-110-20	NSC	05/02/2007	Not Printed
	29293	R307-110-36	NSC	02/09/2007	Not Printed
	29227	R307-110-36	AMD	02/09/2007	2006-23/7
	29327	R307-120	AMD	03/09/2007	2007-1/7
	29653	R307-120	5YR	03/15/2007	2007-7/155
	29797	R307-121	R&R	07/13/2007	2007-9/14
	30184	R307-121	5YR	07/13/2007	2007-15/62
	29321	R307-121	NSC	07/13/2007	Not Printed
	29798	R307-122	REP	07/13/2007	2007-9/17
	29322	R307-122	NSC	07/13/2007	Not Printed
	29654	R307-130	5YR	03/15/2007	2007-7/155
	29652	R307-130-4	AMD	07/13/2007	2007-7/19
	29659	R307-135	5YR	03/15/2007	2007-7/156
	29228	R307-210	AMD	03/15/2007	2006-23/8
	29194	R307-214-2	AMD	02/09/2007	2006-23/10
	29655	R307-220	5YR	03/15/2007	2007-7/156
	29229	R307-220	AMD	05/09/2007	2006-23/12
	29229	R307-220	CPR	05/09/2007	2007-7/136
	29656	R307-221	5YR	03/15/2007	2007-7/157
	29657	R307-222	5YR	03/15/2007	2007-7/157
	29658	R307-223	5YR	03/15/2007	2007-7/158
	29230	R307-224	NEW	03/15/2007	2006-23/14
	29002	R307-320	CPR	03/09/2007	2007-3/40
	29002	R307-320	AMD	03/09/2007	2006-19/32
	29663	R307-320	5YR	03/15/2007	2007-7/160
	29664	R307-325	5YR	03/15/2007	2007-7/160
	29003	R307-325	CPR	03/09/2007	2007-3/42
	29003	R307-325	AMD	03/09/2007	2006-19/35

<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>
	29006	R307-326	AMD	03/09/2007	2006-19/37
	29006	R307-326	CPR	03/09/2007	2007-3/43
	29665	R307-326	5YR	03/15/2007	2007-7/161
	29526	R307-326-1	NSC	03/09/2007	Not Printed
	29666	R307-327	5YR	03/15/2007	2007-7/163
	29004	R307-327	CPR	03/09/2007	2007-3/45
	29004	R307-327	AMD	03/09/2007	2006-19/40
	29005	R307-328	AMD	01/16/2007	2006-19/43
	29667	R307-328	5YR	03/15/2007	2007-7/164
	29150	R307-328-1	NSC	01/16/2007	Not Printed
	29007	R307-332	REP	01/16/2007	2006-19/46
	29008	R307-335	AMD	01/16/2007	2006-19/49
	29668	R307-335	5YR	03/15/2007	2007-7/165
	29669	R307-340	5YR	03/15/2007	2007-7/165
	29009	R307-340	AMD	03/09/2007	2006-19/52
	29009	R307-340	CPR	03/09/2007	2007-3/46
	29151	R307-340-1	NSC	03/09/2007	Not Printed
	29670	R307-341	5YR	03/15/2007	2007-7/166
	29010	R307-341	AMD	01/16/2007	2006-19/59
	29671	R307-342	5YR	03/15/2007	2007-7/167
	29011	R307-342	AMD	01/16/2007	2006-19/60
	29672	R307-343	5YR	03/15/2007	2007-7/167
	29012	R307-343	AMD	03/09/2007	2006-19/63
	29012	R307-343	CPR	03/09/2007	2007-3/51
	29508	R307-343-6	NSC	03/09/2007	Not Printed
	30185	R307-401	5YR	07/13/2007	2007-15/63
	30187	R307-405	5YR	07/13/2007	2007-15/64
	30188	R307-406	5YR	07/13/2007	2007-15/64
	30189	R307-410	5YR	07/13/2007	2007-15/65
	30190	R307-414	5YR	07/13/2007	2007-15/66
	30191	R307-415	5YR	07/13/2007	2007-15/66
	30193	R307-420	5YR	07/13/2007	2007-15/67
	30194	R307-421	5YR	07/13/2007	2007-15/68
	29231	R307-424	NEW	05/09/2007	2006-23/15
	29231	R307-424	CPR	05/09/2007	2007-7/137
<u>air pollution control</u>					
Environmental Quality, Air Quality	29660	R307-301	5YR	03/15/2007	2007-7/158
<u>air quality</u>					
Environmental Quality, Air Quality	30186	R307-403	5YR	07/13/2007	2007-15/63
	30192	R307-417	5YR	07/13/2007	2007-15/67
<u>air travel</u>					
Administrative Services, Finance	29910	R25-7	AMD	07/03/2007	2007-10/3
	29953	R25-7-6	AMD	08/01/2007	2007-12/6

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>aircraft</u>					
Tax Commission, Motor Vehicle	29631	R873-22M	5YR	03/12/2007	2007-7/194
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	29881	R81-1-3	AMD	06/29/2007	2007-10/6
	30168	R81-1-3	NSC	07/30/2007	Not Printed
	30166	R81-1-6	AMD	08/27/2007	2007-14/4
	29439	R81-1-6	AMD	03/30/2007	2007-4/4
	30169	R81-1-21	NSC	07/30/2007	Not Printed
	29898	R81-1-25	AMD	06/29/2007	2007-10/8
	29440	R81-1-26	AMD	03/30/2007	2007-4/6
	30167	R81-4D-1	NSC	07/30/2007	Not Printed
<u>allocation of commercialization revenues</u>					
Science Technology and Research Governing Auth., Administration	29299	R856-2	NEW	04/04/2007	2006-24/37
<u>alrenatives home community-based</u>					
Human Services, Aging and Adult Services	30353	R510-400	5YR	08/21/2007	Not Printed
<u>alternative licensing</u>					
Education, Administration	29749	R277-503	5YR	03/29/2007	2007-8/121
	29692	R277-503	AMD	05/09/2007	2007-7/14
<u>Americans with Disabilities Act 1992</u>					
Human Services, Administration	29498	R495-878	5YR	02/05/2007	2007-5/28
<u>amphibians</u>					
Natural Resources, Wildlife Resources	29751	R657-53	AMD	05/22/2007	2007-8/92
<u>annual plan ammendment AAA</u>					
Human Services, Aging and Adult Services	30341	R510-102	5YR	08/21/2007	Not Printed
	30344	R510-103	5YR	08/21/2007	Not Printed
<u>annual training</u>					
Public Safety, Peace Officer Standards and Training	29563	R728-410	5YR	02/27/2007	2007-6/45
	30280	R728-410-2	NSC	08/14/2007	Not Printed
<u>annuity insurance filings</u>					
Insurance, Administration	29951	R590-227	AMD	07/12/2007	2007-11/65
<u>annuity replacement</u>					
Insurance, Administration	29752	R590-93	AMD	05/29/2007	2007-8/84
	30042	R590-93	AMD	08/08/2007	2007-13/51
<u>appellate procedures</u>					
Agriculture and Food, Administration	29405	R51-2	5YR	01/11/2007	2007-3/56
<u>appraisals</u>					
Tax Commission, Property Tax	29630	R884-24P	5YR	03/12/2007	2007-7/197
	29223	R884-24P-19	AMD	01/12/2007	2006-23/83
	29928	R884-24P-68	AMD	07/16/2007	2007-11/83

<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>approval</u>					
Public Safety, Peace Officer Standards and Training	29552	R728-401	5YR	02/26/2007	2007-6/41
	29548	R728-401	5YR	02/26/2007	2007-6/67
	29147	R728-401-3	AMD	01/20/2007	2006-22/45
<u>approval for correctional basic course</u>					
Public Safety, Peace Officer Standards and Training	29560	R728-406	5YR	02/26/2007	2007-6/43
<u>approval for reserve basic course</u>					
Public Safety, Peace Officer Standards and Training	29560	R728-406	5YR	02/26/2007	2007-6/43
<u>approval for special function course</u>					
Public Safety, Peace Officer Standards and Training	29560	R728-406	5YR	02/26/2007	2007-6/43
<u>approval orders</u>					
Environmental Quality, Air Quality	30185	R307-401	5YR	07/13/2007	2007-15/63
<u>APS vulnerable protection senior</u>					
Human Services, Aging and Adult Services	30352	R510-302	5YR	08/21/2007	Not Printed
<u>architects</u>					
Commerce, Occupational and Professional Licensing	30113	R156-3a	AMD	08/23/2007	2007-14/7
<u>art donations</u>					
Community and Culture, Fine Arts	29529	R207-2	NSC	03/08/2007	Not Printed
Community and Culture, Arts and Museums	30287	R207-2	5YR	08/03/2007	2007-17/56
<u>art financing</u>					
Community and Culture, Fine Arts	29528	R207-1	NSC	03/08/2007	Not Printed
Community and Culture, Arts and Museums	30288	R207-1	5YR	08/03/2007	2007-17/56
<u>art in public places</u>					
Community and Culture, Arts and Museums	30288	R207-1	5YR	08/03/2007	2007-17/56
Community and Culture, Fine Arts	29528	R207-1	NSC	03/08/2007	Not Printed
	29529	R207-2	NSC	03/08/2007	Not Printed
Community and Culture, Arts and Museums	30287	R207-2	5YR	08/03/2007	2007-17/56
<u>art loans</u>					
Community and Culture, Arts and Museums	30287	R207-2	5YR	08/03/2007	2007-17/56
Community and Culture, Fine Arts	29529	R207-2	NSC	03/08/2007	Not Printed
<u>art preservation</u>					
Community and Culture, Fine Arts	29528	R207-1	NSC	03/08/2007	Not Printed
Community and Culture, Arts and Museums	30288	R207-1	5YR	08/03/2007	2007-17/56
<u>art work</u>					
Community and Culture, Fine Arts	29529	R207-2	NSC	03/08/2007	Not Printed
Community and Culture, Arts and Museums	30287	R207-2	5YR	08/03/2007	2007-17/56

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>asbestos</u> Environmental Quality, Air Quality	29659	R307-135	5YR	03/15/2007	2007-7/156
<u>asphalt</u> Environmental Quality, Air Quality	29670	R307-341	5YR	03/15/2007	2007-7/166
	29010	R307-341	AMD	01/16/2007	2006-19/59
<u>assembly</u> Administrative Services, Facilities Construction and Management	29811	R23-20	NEW	06/07/2007	2007-9/11
<u>assisted living facilities</u> Public Safety, Fire Marshal	29235	R710-3	AMD	01/09/2007	2006-23/70
	30034	R710-3	5YR	06/04/2007	2007-13/155
<u>athletic trainer</u> Commerce, Occupational and Professional Licensing	29353	R156-40a	NEW	02/22/2007	2007-2/9
<u>athletics</u> Education, Administration	29479	R277-517	AMD	03/27/2007	2007-4/16
<u>attorneys</u> Administrative Services, Finance	29424	R25-14	5YR	01/17/2007	2007-4/54
<u>audiology</u> Commerce, Occupational and Professional Licensing	29471	R156-41	5YR	02/01/2007	2007-4/57
<u>authority purpose aging</u> Human Services, Aging and Adult Services	30340	R510-1	5YR	08/21/2007	Not Printed
<u>automobile repair</u> Commerce, Consumer Protection	29862	R152-20	5YR	04/26/2007	2007-10/105
	29412	R152-20-2	AMD	03/20/2007	2007-3/4
<u>automobiles</u> Commerce, Consumer Protection	29862	R152-20	5YR	04/26/2007	2007-10/105
	29412	R152-20-2	AMD	03/20/2007	2007-3/4
<u>aviculture</u> Natural Resources, Wildlife Resources	29996	R657-4	5YR	05/31/2007	2007-12/66
<u>awards</u> Public Education Job Enhancement Program, Job Enhancement Committee	30099	R690-100	AMD	08/07/2007	2007-13/132
<u>bait and switch</u> Commerce, Consumer Protection	29470	R152-11	5YR	02/01/2007	2007-4/55
<u>bait dealers</u> Natural Resources, Wildlife Resources	30173	R657-14	5YR	07/09/2007	2007-15/70
<u>banks and banking</u> Financial Institutions, Banks	29972	R333-11	5YR	05/25/2007	2007-12/60
<u>basic academy rules</u> Public Safety, Peace Officer Standards and Training	29558	R728-404	5YR	02/26/2007	2007-6/42

<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>basic application procedures</u>					
Public Safety, Peace Officer Standards and Training	29553	R728-402	5YR	02/26/2007	2007-6/41
	29176	R728-402	AMD	01/20/2007	2006-22/47
<u>basic skills</u>					
Education, Administration	29934	R277-603	AMD	07/09/2007	2007-11/21
<u>beam limitation</u>					
Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
<u>bear</u>					
Natural Resources, Wildlife Resources	29402	R657-33	AMD	03/12/2007	2007-3/24
	30069	R657-33	AMD	08/07/2007	2007-13/111
<u>bed allocations</u>					
Human Services, Substance Abuse and Mental Health	29381	R523-1-2	AMD	02/26/2007	2007-2/97
	29245	R523-1-5	AMD	01/30/2007	2006-24/29
	29382	R523-1-11	AMD	02/26/2007	2007-2/99
	29383	R523-1-23	AMD	05/14/2007	2007-2/101
<u>beneficiaries</u>					
School and Institutional Trust Lands, Administration	29409	R850-120	5YR	01/12/2007	2007-3/67
<u>benefits</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	29985	R195-5	NSC	06/22/2007	Not Printed
	30127	R195-5	5YR	06/22/2007	2007-14/45
	30130	R195-7	5YR	06/25/2007	2007-14/46
	29987	R195-7	NSC	06/25/2007	Not Printed
Workforce Services, Unemployment Insurance	29959	R994-401	5YR	05/17/2007	2007-12/70
<u>bicycle</u>					
Transportation, Operations, Traffic and Safety	30300	R920-4	5YR	08/10/2007	2007-17/66
<u>bids</u>					
Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52
	29184	R916-2-3	AMD	01/03/2007	2006-22/53
<u>big game</u>					
Natural Resources, Wildlife Resources	30109	R657-44	5YR	06/20/2007	2007-14/51
	30073	R657-44	AMD	08/07/2007	2007-13/122
	29638	R657-44-6	AMD	05/08/2007	2007-7/79
<u>big game conservation easements</u>					
Natural Resources, Wildlife Resources	29349	R657-49	REP	02/07/2007	2007-1/39
	29165	R657-49	NSC	02/07/2007	Not Printed
<u>big game seasons</u>					
Natural Resources, Wildlife Resources	29923	R657-5	AMD	07/09/2007	2007-11/75
	29351	R657-5	AMD	02/07/2007	2007-1/25
	30063	R657-5	AMD	08/07/2007	2007-13/84

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>
	29502	R657-5-43	AMD	04/09/2007	2007-5/17
	29639	R657-43	5YR	03/13/2007	2007-7/183
	29704	R657-43	NSC	04/12/2007	Not Printed
	29580	R657-43	NSC	03/13/2007	Not Printed
	30072	R657-43	AMD	08/07/2007	2007-13/120
<u>birds</u>					
Natural Resources, Wildlife Resources	29996	R657-4	5YR	05/31/2007	2007-12/66
	30064	R657-6	AMD	08/07/2007	2007-13/86
	30065	R657-9	AMD	08/07/2007	2007-13/88
	29401	R657-20	AMD	03/12/2007	2007-3/19
	29398	R657-20	5YR	01/10/2007	2007-3/66
<u>boating</u>					
Natural Resources, Parks and Recreation	30025	R651-201	AMD	08/07/2007	2007-13/69
	29806	R651-205-16	AMD	07/09/2007	2007-9/26
	30026	R651-206	AMD	08/07/2007	2007-13/70
	29913	R651-207-1	AMD	07/09/2007	2007-11/72
	30027	R651-215	AMD	08/07/2007	2007-13/79
	30028	R651-217	AMD	08/07/2007	2007-13/81
	30029	R651-219-5	AMD	08/07/2007	2007-13/82
	30030	R651-221-1	AMD	08/07/2007	2007-13/82
<u>boilers</u>					
Labor Commission, Safety	29313	R616-2-3	AMD	02/08/2007	2007-1/24
	29527	R616-2-3	AMD	04/24/2007	2007-6/26
	29581	R616-2-3	AMD	04/24/2007	2007-6/25
<u>bona fide prospective purchaser</u>					
Environmental Quality, Environmental Response and Remediation	29460	R311-600	NEW	03/26/2007	2007-4/18
	29585	R311-600	NSC	03/26/2007	Not Printed
<u>bonding requirements</u>					
Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52
Workforce Services, Unemployment Insurance	29689	R994-308	R&R	07/01/2007	2007-7/125
<u>bonuses</u>					
Transportation, Administration	29182	R907-66	AMD	01/03/2007	2006-22/50
<u>boxing</u>					
Commerce, Administration	30164	R151-33	NSC	07/05/2007	Not Printed
	29927	R151-33	5YR	05/10/2007	2007-11/85
<u>breaks</u>					
Human Resource Management, Administration	29889	R477-8	AMD	07/01/2007	2007-10/64
	30059	R477-8	5YR	06/09/2007	2007-13/148
<u>brine shrimp royalty</u>					
Tax Commission, Auditing	29715	R865-25X	5YR	03/21/2007	2007-8/148

<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>building codes</u>					
Commerce, Occupational and Professional Licensing	29122	R156-56	AMD	01/01/2007	2006-21/33
	29745	R156-56	5YR	03/29/2007	2007-8/119
	29863	R156-56	AMD	07/01/2007	2007-10/21
	30132	R156-56	NSC	07/01/2007	Not Printed
	29120	R156-56	AMD	01/01/2007	2006-21/5
	29866	R156-56	AMD	07/01/2007	2007-10/10
	29357	R156-56	NSC	01/01/2007	Not Printed
	29393	R156-56	AMD	03/13/2007	2007-3/7
	29078	R156-56-704	AMD	03/27/2007	2006-20/10
	29865	R156-56-704	AMD	07/01/2007	2007-10/25
	29078	R156-56-704	CPR	03/27/2007	2007-4/48
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
<u>building inspection</u>					
Commerce, Occupational and Professional Licensing	29122	R156-56	AMD	01/01/2007	2006-21/33
	29863	R156-56	AMD	07/01/2007	2007-10/21
	29745	R156-56	5YR	03/29/2007	2007-8/119
	30132	R156-56	NSC	07/01/2007	Not Printed
	29120	R156-56	AMD	01/01/2007	2006-21/5
	29866	R156-56	AMD	07/01/2007	2007-10/10
	29393	R156-56	AMD	03/13/2007	2007-3/7
	29357	R156-56	NSC	01/01/2007	Not Printed
	29078	R156-56-704	AMD	03/27/2007	2006-20/10
	29078	R156-56-704	CPR	03/27/2007	2007-4/48
	29865	R156-56-704	AMD	07/01/2007	2007-10/25
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
<u>burial</u>					
Community and Culture, History	30202	R212-12	5YR	07/17/2007	2007-16/64
<u>capital punishment</u>					
Administrative Services, Finance	29424	R25-14	5YR	01/17/2007	2007-4/54
Pardons (Board Of), Administration	30219	R671-205	5YR	07/25/2007	2007-16/75
<u>captive insurance</u>					
Insurance, Administration	29458	R590-238	CPR	05/25/2007	2007-8/115
	29458	R590-238	NEW	05/25/2007	2007-4/32
<u>carryover programs grants funding</u>					
Human Services, Aging and Adult Services	30343	R510-101	5YR	08/21/2007	Not Printed
<u>cash management</u>					
Money Management Council, Administration	29906	R628-15	AMD	06/21/2007	2007-10/79
<u>cemetery</u>					
Community and Culture, History	30202	R212-12	5YR	07/17/2007	2007-16/64

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>census</u> Transportation, Program Development	29455	R926-4	NEW	03/26/2007	2007-4/43
<u>certification</u> Labor Commission, Safety	29733	R616-1	R&R	05/23/2007	2007-8/88
	29581	R616-2-3	AMD	04/24/2007	2007-6/25
	29527	R616-2-3	AMD	04/24/2007	2007-6/26
<u>certification of instructors</u> Human Services, Substance Abuse and Mental Health	30123	R523-22	5YR	06/22/2007	2007-14/49
<u>certifications</u> Labor Commission, Safety	29313	R616-2-3	AMD	02/08/2007	2007-1/24
Public Safety, Peace Officer Standards and Training	29562	R728-409	5YR	02/27/2007	2007-6/44
Transportation, Motor Carrier	29341	R909-19	AMD	02/08/2007	2007-1/46
<u>charities</u> Commerce, Consumer Protection	29427	R152-22	AMD	04/02/2007	2007-4/8
	30120	R152-22	5YR	06/22/2007	2007-14/43
Tax Commission, Auditing	29641	R865-19S	5YR	03/13/2007	2007-7/191
	30137	R865-19S-38	AMD	08/21/2007	2007-14/36
	29942	R865-19S-58	AMD	07/16/2007	2007-11/78
<u>charter schools</u> Education, Administration	30092	R277-470	AMD	08/07/2007	2007-13/23
	30094	R277-481	REP	08/07/2007	2007-13/34
	30096	R277-487	REP	08/07/2007	2007-13/39
<u>child abuse</u> Human Services, Child and Family Services	29390	R512-60	5YR	01/03/2007	2007-3/59
	30010	R512-300	EMR	06/01/2007	2007-12/55
<u>child care</u> Health, Health Systems Improvement, Child Care Licensing	30310	R430-100	5YR	08/13/2007	2007-17/58
Workforce Services, Employment Development	29301	R986-700	AMD	02/01/2007	2006-24/39
	29852	R986-700	AMD	07/01/2007	2007-10/87
	29491	R986-700	AMD	04/01/2007	2007-4/44
	29973	R986-700-709	AMD	07/31/2007	2007-12/48
<u>child care centers</u> Health, Health Systems Improvement, Child Care Licensing	30310	R430-100	5YR	08/13/2007	2007-17/58
<u>child care facilities</u> Health, Health Systems Improvement, Child Care Licensing	30249	R430-2	5YR	07/27/2007	2007-16/71
	30311	R430-3	5YR	08/13/2007	2007-17/57
	30308	R430-6	5YR	08/13/2007	2007-17/57
	30309	R430-30	5YR	08/13/2007	2007-17/58
	30310	R430-100	5YR	08/13/2007	2007-17/58

<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>child support</u>					
Human Services, Recovery Services	29415	R527-5	5YR	01/16/2007	2007-3/60
	29416	R527-34	5YR	01/16/2007	2007-3/61
	29417	R527-35	5YR	01/16/2007	2007-3/61
	29418	R527-201	5YR	01/16/2007	2007-3/62
	30354	R527-257	5YR	08/22/2007	Not Printed
	30355	R527-258	5YR	08/22/2007	Not Printed
	30356	R527-330	5YR	08/22/2007	Not Printed
<u>child welfare</u>					
Human Services, Child and Family Services	30289	R512-1	5YR	08/07/2007	2007-17/59
	30290	R512-2	5YR	08/07/2007	2007-17/59
	29387	R512-10	5YR	01/03/2007	2007-3/58
	30291	R512-31	5YR	08/07/2007	2007-17/60
	29388	R512-43	5YR	01/03/2007	2007-3/59
	29390	R512-60	5YR	01/03/2007	2007-3/59
	30010	R512-300	EMR	06/01/2007	2007-12/55
<u>children</u>					
Health, Community and Family Health Services, WIC Services	29878	R406-100	5YR	04/27/2007	2007-10/124
	29879	R406-200	5YR	04/27/2007	2007-10/125
	29880	R406-201	5YR	04/27/2007	2007-10/126
	29876	R406-202	5YR	04/27/2007	2007-10/126
	29877	R406-301	5YR	04/27/2007	2007-10/127
<u>children's health benefits</u>					
Health, Children's Health Insurance Program	29872	R382-1	AMD	07/01/2007	2007-10/29
	29732	R382-10	AMD	05/23/2007	2007-8/44
	29873	R382-10	AMD	07/01/2007	2007-10/31
<u>children's trust account</u>					
Human Services, Child and Family Services	29390	R512-60	5YR	01/03/2007	2007-3/59
<u>CHIP</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29380	R414-320	AMD	03/09/2007	2007-2/91
<u>Civil Rights Act 1964</u>					
Human Services, Administration	29498	R495-878	5YR	02/05/2007	2007-5/28
<u>Class I area</u>					
Environmental Quality, Air Quality	30187	R307-405	5YR	07/13/2007	2007-15/64
<u>cleanup standards</u>					
Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
<u>coaching certification</u>					
Education, Administration	29479	R277-517	AMD	03/27/2007	2007-4/16

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>coal mines</u>					
Natural Resources, Oil, Gas and Mining; Coal	29606	R645-100	5YR	03/07/2007	2007-7/175
	29607	R645-103	5YR	03/07/2007	2007-7/175
	29608	R645-200	5YR	03/07/2007	2007-7/176
	29609	R645-201	5YR	03/07/2007	2007-7/176
	29610	R645-202	5YR	03/07/2007	2007-7/177
	29611	R645-203	5YR	03/07/2007	2007-7/177
	29612	R645-300	5YR	03/07/2007	2007-7/178
	29613	R645-301	5YR	03/07/2007	2007-7/178
	29614	R645-302	5YR	03/07/2007	2007-7/179
	29615	R645-303	5YR	03/07/2007	2007-7/179
	29616	R645-402	5YR	03/07/2007	2007-7/180
<u>coatings</u>					
Environmental Quality, Air Quality	29012	R307-343	AMD	03/09/2007	2006-19/63
	29012	R307-343	CPR	03/09/2007	2007-3/51
	29672	R307-343	5YR	03/15/2007	2007-7/167
	29508	R307-343-6	NSC	03/09/2007	Not Printed
<u>code of conduct</u>					
Workforce Services, Administration	30140	R982-601	5YR	06/26/2007	2007-14/60
<u>collections</u>					
Tax Commission, Auditing	29705	R865-12L	5YR	03/16/2007	2007-8/144
<u>commercialization of aquatic wildlife</u>					
Natural Resources, Wildlife Resources	30173	R657-14	5YR	07/09/2007	2007-15/70
<u>communicable diseases</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	29742	R386-702	AMD	05/24/2007	2007-8/48
	29721	R386-702	5YR	03/22/2007	2007-8/128
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	30206	R388-801	5YR	07/19/2007	2007-16/68
	30207	R388-802	5YR	07/19/2007	2007-16/69
	29911	R388-804	AMD	07/16/2007	2007-11/27
	29980	R388-804	5YR	05/29/2007	2007-12/61
<u>community-based corrections</u>					
Corrections, Administration	29463	R251-306	5YR	01/31/2007	2007-4/58
<u>competency</u>					
Education, Administration	29934	R277-603	AMD	07/09/2007	2007-11/21
<u>complaints</u>					
Workforce Services, Administration	30136	R982-101	5YR	06/26/2007	2007-14/58
<u>compliance determinations</u>					
Environmental Quality, Drinking Water	29365	R309-210	AMD	03/06/2007	2007-2/46
	29647	R309-210	AMD	05/14/2007	2007-7/23
	29645	R309-215	AMD	05/14/2007	2007-7/34

<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>
	29366	R309-215	AMD	03/06/2007	2007-2/63
<u>computer software</u> Technology Services, Administration	29978	R895-3	5YR	05/29/2007	2007-12/68
<u>concealed firearm permit</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	30371	R722-300	EMR	08/28/2007	Not Printed
<u>conduct</u> Commerce, Real Estate	30197	R162-107	5YR	07/16/2007	2007-15/61
<u>confidentiality</u> Human Services, Recovery Services	29415	R527-5	5YR	01/16/2007	2007-3/60
<u>confidentiality of information</u> Administrative Services, Administration	29771	R13-2	5YR	04/02/2007	2007-8/119
	29772	R13-2	AMD	05/22/2007	2007-8/3
	30049	R477-2	5YR	06/09/2007	2007-13/145
	29883	R477-2	AMD	07/01/2007	2007-10/46
Regents (Board Of), College of Eastern Utah	30108	R767-1	5YR	06/19/2007	2007-14/52
Workforce Services, Unemployment Insurance	29699	R994-312	AMD	07/01/2007	2007-7/132
<u>conflict of interest</u> Human Resource Management, Administration	29890	R477-9	AMD	07/01/2007	2007-10/68
	30052	R477-9	5YR	06/09/2007	2007-13/149
<u>connections</u> Environmental Quality, Drinking Water	29783	R309-550	5YR	04/02/2007	2007-8/126
<u>conservation permits</u> Natural Resources, Wildlife Resources	30071	R657-41	AMD	08/07/2007	2007-13/117
<u>consumer</u> Commerce, Consumer Protection	29379	R152-26	AMD	02/23/2007	2007-2/3
	29594	R152-26	5YR	03/05/2007	2007-7/149
<u>consumer confidence report</u> Environmental Quality, Drinking Water	29650	R309-225	NSC	03/29/2007	Not Printed
	29368	R309-225	AMD	03/06/2007	2007-2/89
<u>consumer protection</u> Commerce, Consumer Protection	30118	R152-6	5YR	06/22/2007	2007-14/42
	29470	R152-11	5YR	02/01/2007	2007-4/55
	30119	R152-15	5YR	06/22/2007	2007-14/42
	29862	R152-20	5YR	04/26/2007	2007-10/105
	29412	R152-20-2	AMD	03/20/2007	2007-3/4
	29427	R152-22	AMD	04/02/2007	2007-4/8
	30120	R152-22	5YR	06/22/2007	2007-14/43
	30121	R152-23	5YR	06/22/2007	2007-14/43
	29238	R152-23	AMD	01/23/2007	2006-24/3
	29413	R152-42	CPR	05/22/2007	2007-8/114

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>
	29413	R152-42	NEW	05/22/2007	2007-3/5
<u>contests</u>					
Commerce, Administration	30164	R151-33	NSC	07/05/2007	Not Printed
	29927	R151-33	5YR	05/10/2007	2007-11/85
<u>continuing education</u>					
Commerce, Real Estate	29837	R162-9	5YR	04/18/2007	2007-10/111
	29718	R162-9	AMD	05/30/2007	2007-8/33
<u>continuing professional education</u>					
Commerce, Occupational and Professional Licensing	29473	R156-26a	5YR	02/01/2007	2007-4/56
<u>contractors</u>					
Commerce, Occupational and Professional Licensing	29120	R156-56	AMD	01/01/2007	2006-21/5
	29393	R156-56	AMD	03/13/2007	2007-3/7
	29866	R156-56	AMD	07/01/2007	2007-10/10
	29357	R156-56	NSC	01/01/2007	Not Printed
	29122	R156-56	AMD	01/01/2007	2006-21/33
	29863	R156-56	AMD	07/01/2007	2007-10/21
	29745	R156-56	5YR	03/29/2007	2007-8/119
	30132	R156-56	NSC	07/01/2007	Not Printed
	29078	R156-56-704	AMD	03/27/2007	2006-20/10
	29078	R156-56-704	CPR	03/27/2007	2007-4/48
	29865	R156-56-704	AMD	07/01/2007	2007-10/25
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
<u>contracts</u>					
Administrative Services, Facilities Construction and Management	29965	R23-1	5YR	05/24/2007	2007-12/59
Transportation, Administration	29182	R907-66	AMD	01/03/2007	2006-22/50
Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52
	29184	R916-2-3	AMD	01/03/2007	2006-22/53
<u>controlled substances</u>					
Commerce, Occupational and Professional Licensing	29696	R156-37	5YR	03/15/2007	2007-7/150
<u>cooperative agreement</u>					
Natural Resources, Forestry, Fire and State Lands	29467	R652-122-300	NSC	02/13/2007	Not Printed
	29170	R652-122-300	AMD	01/03/2007	2006-22/40
<u>copyright</u>					
Technology Services, Administration	29978	R895-3	5YR	05/29/2007	2007-12/68
<u>corporation tax</u>					
Tax Commission, Auditing	29714	R865-3C	5YR	03/21/2007	2007-8/142
<u>corrections</u>					
Corrections, Administration	29531	R251-106-3	AMD	05/01/2007	2007-6/9
	29533	R251-107	AMD	05/01/2007	2007-6/11
	29462	R251-305	5YR	01/31/2007	2007-4/58

<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>
	29464	R251-707	5YR	01/31/2007	2007-4/59
	29465	R251-710	5YR	01/31/2007	2007-4/59
<u>cosmetologists/barbers</u>					
Commerce, Occupational and Professional Licensing	30158	R156-11a	AMD	08/21/2007	2007-14/10
	29810	R156-11a	5YR	04/12/2007	2007-9/33
	29013	R156-11a	CPR	01/11/2007	2006-23/87
	29013	R156-11a	AMD	01/11/2007	2006-19/5
	29432	R156-11a	AMD	03/27/2007	2007-4/9
<u>cost sharing</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29967	R414-200	5YR	05/24/2007	2007-12/64
	29977	R414-200-4	AMD	07/23/2007	2007-12/19
<u>costs</u>					
Financial Institutions, Administration	29818	R331-22	5YR	04/16/2007	2007-9/35
<u>cottage food</u>					
Agriculture and Food, Regulatory Services	30062	R70-560	NEW	08/07/2007	2007-13/7
<u>cougar</u>					
Natural Resources, Wildlife Resources	30066	R657-10	AMD	08/07/2007	2007-13/90
<u>councils</u>					
Workforce Services, Administration	30139	R982-301	5YR	06/26/2007	2007-14/59
<u>counselors</u>					
Education, Administration	30089	R277-462	AMD	08/07/2007	2007-13/16
<u>coverage</u>					
Workforce Services, Unemployment Insurance	29695	R994-310	R&R	07/01/2007	2007-7/128
<u>coverage groups</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29543	R414-303-17	AMD	05/01/2007	2007-6/23
<u>covered-at-work</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30081	R414-310	5YR	06/13/2007	2007-13/144
	29731	R414-310	AMD	05/23/2007	2007-8/74
<u>covered-at-work-benefits</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29730	R414-300	REP	05/23/2007	2007-8/73
<u>credit enhancements</u>					
Environmental Quality, Drinking Water	29784	R309-700	5YR	04/02/2007	2007-8/127
<u>credit insurance filings</u>					
Insurance, Administration	29971	R590-228	AMD	07/30/2007	2007-12/30
	30274	R590-228-5	NSC	08/14/2007	Not Printed
<u>criminal competency</u>					
Pardons (Board Of), Administration	30221	R671-206	5YR	07/25/2007	2007-16/76
	30222	R671-207	5YR	07/25/2007	2007-16/76

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>critical languages</u> Education, Administration	29932	R277-488	NEW	07/09/2007	2007-11/17
<u>cultural resources</u> Natural Resources, Forestry, Fire and State Lands	29755	R652-60	5YR	04/02/2007	2007-8/135
School and Institutional Trust Lands, Administration	30153	R850-60	5YR	06/27/2007	2007-14/57
<u>curricula</u> Education, Administration	29495	R277-705	5YR	02/02/2007	2007-5/26
	30098	R277-713	AMD	08/07/2007	2007-13/47
<u>dairy inspection</u> Agriculture and Food, Regulatory Services	30100	R70-330	AMD	08/07/2007	2007-13/3
<u>data standards</u> Education, Administration	30095	R277-484	AMD	08/07/2007	2007-13/36
<u>day care</u> Public Safety, Fire Marshal	29234	R710-8	AMD	01/09/2007	2006-23/76
	29706	R710-8	5YR	03/16/2007	2007-8/139
<u>deadlines</u> Education, Administration	30095	R277-484	AMD	08/07/2007	2007-13/36
<u>debt</u> Human Services, Recovery Services	30356	R527-330	5YR	08/22/2007	Not Printed
<u>debt management</u> Commerce, Consumer Protection	29413	R152-42	CPR	05/22/2007	2007-8/114
	29413	R152-42	NEW	05/22/2007	2007-3/5
<u>deception detection examiner</u> Commerce, Occupational and Professional Licensing	29803	R156-64	5YR	04/09/2007	2007-9/33
<u>declaratory orders</u> Health, Administration	30336	R380-1	5YR	08/20/2007	Not Printed
	30337	R380-5	5YR	08/20/2007	Not Printed
<u>definitions</u> Commerce, Real Estate	29828	R162-101	5YR	04/18/2007	2007-10/111
Environmental Quality, Air Quality	29661	R307-101	5YR	03/15/2007	2007-7/150
	29000	R307-101-2	CPR	03/09/2007	2007-3/39
	29000	R307-101-2	AMD	03/09/2007	2006-19/27
Environmental Quality, Drinking Water	29364	R309-110	AMD	03/06/2007	2007-2/20
	29649	R309-110-4	AMD	05/14/2007	2007-7/22
Human Resource Management, Administration	30051	R477-1	5YR	06/09/2007	2007-13/144
	29882	R477-1	AMD	07/01/2007	2007-10/41
	30057	R477-13	5YR	06/09/2007	2007-13/152
	29896	R477-13-1	NSC	05/11/2007	Not Printed
Natural Resources, Forestry, Fire and State Lands	29756	R652-1	5YR	04/02/2007	2007-8/130

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
School and Institutional Trust Lands, Administration	30147	R850-1	5YR	06/27/2007	2007-14/53
<u>degreasing</u>					
Environmental Quality, Air Quality	29008	R307-335	AMD	01/16/2007	2006-19/49
	29668	R307-335	5YR	03/15/2007	2007-7/165
<u>demonstration</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30081	R414-310	5YR	06/13/2007	2007-13/144
	29731	R414-310	AMD	05/23/2007	2007-8/74
<u>dental</u>					
Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
<u>degradation</u>					
Natural Resources, Wildlife Resources	30109	R657-44	5YR	06/20/2007	2007-14/51
	30073	R657-44	AMD	08/07/2007	2007-13/122
	29638	R657-44-6	AMD	05/08/2007	2007-7/79
<u>developmentally disabled</u>					
Commerce, Administration	29903	R151-3	5YR	05/01/2007	2007-10/105
	29498	R495-878	5YR	02/05/2007	2007-5/28
	29386	R698-3	5YR	01/02/2007	2007-2/119
	29713	R861-1A	5YR	03/20/2007	2007-8/139
	29324	R861-1A-19	AMD	02/12/2007	2007-1/41
	29941	R861-1A-41	AMD	07/16/2007	2007-11/76
<u>direct filtration</u>					
Environmental Quality, Drinking Water	29779	R309-530	5YR	04/02/2007	2007-8/125
<u>disabilities</u>					
Human Services, Services for People with Disabilities	29625	R539-5	AMD	05/11/2007	2007-7/70
	30085	R539-9	AMD	08/07/2007	2007-13/50
Pardons (Board Of), Administration	30214	R671-102	5YR	07/25/2007	2007-16/74
	30136	R982-101	5YR	06/26/2007	2007-14/58
<u>disabilities act</u>					
Public Safety, Administration	29386	R698-3	5YR	01/02/2007	2007-2/119
<u>disability</u>					
Human Services, Services for People with Disabilities	30116	R539-9	EMR	07/01/2007	2007-14/39
<u>disabled persons</u>					
Health, Administration	30339	R380-100	5YR	08/20/2007	Not Printed
Natural Resources, Wildlife Resources	29637	R657-12	AMD	05/08/2007	2007-7/73
<u>discipline of employees</u>					
Human Resource Management, Administration	30056	R477-11	5YR	06/09/2007	2007-13/151
	29894	R477-11	NSC	05/11/2007	Not Printed
<u>disclosure requirements</u>					
Tax Commission, Administration	29713	R861-1A	5YR	03/20/2007	2007-8/139

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>
	29324	R861-1A-19	AMD	02/12/2007	2007-1/41
	29941	R861-1A-41	AMD	07/16/2007	2007-11/76
<u>disease control</u>					
Agriculture and Food, Animal Industry	29912	R58-1	AMD	08/07/2007	2007-11/4
	29506	R58-1	5YR	02/08/2007	2007-5/19
	29504	R58-6	5YR	02/08/2007	2007-5/20
	30045	R58-8	REP	08/07/2007	2007-13/3
	29512	R58-8	NSC	06/07/2007	Not Printed
	30041	R58-8	5YR	06/07/2007	2007-13/142
<u>disinfection monitoring</u>					
Environmental Quality, Drinking Water	29645	R309-215	AMD	05/14/2007	2007-7/34
	29366	R309-215	AMD	03/06/2007	2007-2/63
<u>disipline of employees</u>					
Human Resource Management, Administration	29893	R477-14	NSC	05/11/2007	Not Printed
<u>dismissal of employees</u>					
Human Resource Management, Administration	30056	R477-11	5YR	06/09/2007	2007-13/151
	29894	R477-11	NSC	05/11/2007	Not Printed
<u>distribution of commercialization revenues</u>					
Science Technology and Research Governing Auth., Administration	29299	R856-2	NEW	04/04/2007	2006-24/37
<u>distribution system monitoring</u>					
Environmental Quality, Drinking Water	29647	R309-210	AMD	05/14/2007	2007-7/23
	29365	R309-210	AMD	03/06/2007	2007-2/46
<u>diversion programs</u>					
Commerce, Occupational and Professional Licensing	29586	R156-1	5YR	03/01/2007	2007-6/37
	29555	R156-1-102	NSC	03/09/2007	Not Printed
Human Services, Juvenile Justice Services	29992	R547-1	5YR	05/30/2007	2007-12/64
<u>domestic violence</u>					
Human Services, Child and Family Services	30289	R512-1	5YR	08/07/2007	2007-17/59
	30010	R512-300	EMR	06/01/2007	2007-12/55
<u>drainage</u>					
Transportation, Operations, Maintenance	29456	R918-2	REP	06/06/2007	2007-4/42
<u>drinking water</u>					
Environmental Quality, Drinking Water	29646	R309-105	AMD	05/14/2007	2007-7/20
	29369	R309-105	AMD	03/06/2007	2007-2/15
	29036	R309-105-9	AMD	01/01/2007	2006-19/68
	29364	R309-110	AMD	03/06/2007	2007-2/20
	29649	R309-110-4	AMD	05/14/2007	2007-7/22
	29361	R309-115-2	NSC	03/06/2007	Not Printed
	29363	R309-150	AMD	03/06/2007	2007-2/31
	29371	R309-200	AMD	03/06/2007	2007-2/43

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	29365	R309-210	AMD	03/06/2007	2007-2/46
	29647	R309-210	AMD	05/14/2007	2007-7/23
	29645	R309-215	AMD	05/14/2007	2007-7/34
	29366	R309-215	AMD	03/06/2007	2007-2/63
	29367	R309-220	AMD	03/06/2007	2007-2/86
	29648	R309-220-15	AMD	05/14/2007	2007-7/46
	29368	R309-225	AMD	03/06/2007	2007-2/89
	29650	R309-225	NSC	03/29/2007	Not Printed
	29362	R309-300-13	NSC	03/06/2007	Not Printed
	29360	R309-405-4	NSC	03/06/2007	Not Printed
	29774	R309-500	5YR	04/02/2007	2007-8/122
	29775	R309-505	5YR	04/02/2007	2007-8/123
	29776	R309-510	5YR	04/02/2007	2007-8/123
	29777	R309-515	5YR	04/02/2007	2007-8/124
	29642	R309-520	5YR	03/13/2007	2007-7/169
	29778	R309-525	5YR	04/02/2007	2007-8/124
	29779	R309-530	5YR	04/02/2007	2007-8/125
	29780	R309-535	5YR	04/02/2007	2007-8/125
	29781	R309-540	5YR	04/02/2007	2007-8/126
	29782	R309-545	5YR	04/02/2007	2007-8/126
	29783	R309-550	5YR	04/02/2007	2007-8/126
<u>driver education</u>					
Education, Administration	29747	R277-507	5YR	03/29/2007	2007-8/122
	29694	R277-746-3	AMD	05/09/2007	2007-7/19
Public Safety, Driver License	29593	R708-2	5YR	03/02/2007	2007-7/184
	29727	R708-21	5YR	03/23/2007	2007-8/137
	29729	R708-27	5YR	03/23/2007	2007-8/139
<u>driver license verification</u>					
Public Safety, Driver License	29805	R708-43	AMD	06/08/2007	2007-9/27
<u>drug abuse</u>					
Human Resource Management, Administration	29893	R477-14	NSC	05/11/2007	Not Printed
<u>drug testing</u>					
Public Safety, Peace Officer Standards and Training	29559	R728-405	5YR	02/26/2007	2007-6/43
<u>drug testing programs</u>					
Public Safety, Peace Officer Standards and Training	29559	R728-405	5YR	02/26/2007	2007-6/43
<u>drug/alcohol education</u>					
Human Resource Management, Administration	29893	R477-14	NSC	05/11/2007	Not Printed
<u>dual employment</u>					
Human Resource Management, Administration	29889	R477-8	AMD	07/01/2007	2007-10/64
	30059	R477-8	5YR	06/09/2007	2007-13/148

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>due process</u>					
Human Services, Child and Family Services	30291	R512-31	5YR	08/07/2007	2007-17/60
Human Services, Substance Abuse and Mental Health	29381	R523-1-2	AMD	02/26/2007	2007-2/97
	29245	R523-1-5	AMD	01/30/2007	2006-24/29
	29382	R523-1-11	AMD	02/26/2007	2007-2/99
	29383	R523-1-23	AMD	05/14/2007	2007-2/101
<u>DUI programs</u>					
Human Services, Substance Abuse and Mental Health	30123	R523-22	5YR	06/22/2007	2007-14/49
<u>economic development</u>					
Workforce Services, Administration	30140	R982-601	5YR	06/26/2007	2007-14/60
<u>education</u>					
Commerce, Consumer Protection	30101	R152-34	5YR	06/15/2007	2007-13/142
	29710	R152-34	AMD	05/22/2007	2007-8/4
Commerce, Real Estate	29829	R162-103	5YR	04/18/2007	2007-10/111
Education, Administration	30092	R277-470	AMD	08/07/2007	2007-13/23
	30094	R277-481	REP	08/07/2007	2007-13/34
<u>education finance</u>					
Education, Administration	29690	R277-419	AMD	05/09/2007	2007-7/10
<u>educational media</u>					
Education, Administration	30090	R277-467	NEW	08/07/2007	2007-13/19
<u>educational planning</u>					
Education, Administration	29746	R277-416	5YR	03/29/2007	2007-8/121
	29935	R277-416	REP	07/09/2007	2007-11/14
<u>educational reform</u>					
Education, Administration	29746	R277-416	5YR	03/29/2007	2007-8/121
	29935	R277-416	REP	07/09/2007	2007-11/14
<u>educational research</u>					
Education, Administration	29746	R277-416	5YR	03/29/2007	2007-8/121
	29935	R277-416	REP	07/09/2007	2007-11/14
<u>educational testing</u>					
Education, Administration	30093	R277-473	AMD	08/07/2007	2007-13/31
	29478	R277-473-9	AMD	03/27/2007	2007-4/12
<u>educational tuition</u>					
Human Resource Management, Administration	29891	R477-10	AMD	07/01/2007	2007-10/70
	30050	R477-10	5YR	06/09/2007	2007-13/150
<u>educator licensure</u>					
Education, Administration	29747	R277-507	5YR	03/29/2007	2007-8/122
<u>educators</u>					
Education, Administration	30086	R277-110	NEW	08/07/2007	2007-13/11

<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>
	30097	R277-510	R&R	08/07/2007	2007-13/42
Public Education Job Enhancement Program, Job Enhancement Committee	30099	R690-100	AMD	08/07/2007	2007-13/132
<u>efficiency</u>					
Natural Resources, Geological Survey	30159	R638-3	NEW	08/31/2007	2007-14/24
<u>effluent standards</u>					
Environmental Quality, Water Quality	29186	R317-1-2	AMD	01/19/2007	2006-22/21
	29098	R317-1-7	AMD	01/19/2007	2006-20/54
<u>eldercare management case contract</u>					
Human Services, Aging and Adult Services	30349	R510-110	5YR	08/21/2007	Not Printed
<u>electric generating units</u>					
Environmental Quality, Air Quality	29229	R307-220	AMD	05/09/2007	2006-23/12
	29229	R307-220	CPR	05/09/2007	2007-7/136
	29230	R307-224	NEW	03/15/2007	2006-23/14
	29231	R307-424	CPR	05/09/2007	2007-7/137
	29231	R307-424	NEW	05/09/2007	2006-23/15
<u>electrologists</u>					
Commerce, Occupational and Professional Licensing	29432	R156-11a	AMD	03/27/2007	2007-4/9
	30158	R156-11a	AMD	08/21/2007	2007-14/10
	29810	R156-11a	5YR	04/12/2007	2007-9/33
	29013	R156-11a	CPR	01/11/2007	2006-23/87
	29013	R156-11a	AMD	01/11/2007	2006-19/5
<u>eligibility</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29676	R414-307	NEW	05/15/2007	2007-7/65
	29469	R414-308	AMD	04/01/2007	2007-4/22
Human Services, Child and Family Services	30289	R512-1	5YR	08/07/2007	2007-17/59
	30290	R512-2	5YR	08/07/2007	2007-17/59
<u>eligibility and priority</u>					
Human Services, Public Guardian (Office of)	29950	R549-1	NEW	07/09/2007	2007-11/50
<u>emergency medical services</u>					
Health, Health Systems Improvement, Emergency Medical Services	30205	R426-5	5YR	07/18/2007	2007-16/70
	29944	R426-12	AMD	08/08/2007	2007-11/30
	29392	R426-16	AMD	04/01/2007	2007-3/9
<u>emergency powers</u>					
Environmental Quality, Air Quality	29501	R307-105	NSC	07/13/2007	Not Printed
	30183	R307-105	5YR	07/13/2007	2007-15/62
<u>emission controls</u>					
Environmental Quality, Air Quality	29664	R307-325	5YR	03/15/2007	2007-7/160
	29003	R307-325	CPR	03/09/2007	2007-3/42
	29003	R307-325	AMD	03/09/2007	2006-19/35
	29009	R307-340	CPR	03/09/2007	2007-3/46

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>
	29669	R307-340	5YR	03/15/2007	2007-7/165
	29009	R307-340	AMD	03/09/2007	2006-19/52
	29151	R307-340-1	NSC	03/09/2007	Not Printed
	29670	R307-341	5YR	03/15/2007	2007-7/166
	29010	R307-341	AMD	01/16/2007	2006-19/59
<u>emission fees</u>					
Environmental Quality, Air Quality	30191	R307-415	5YR	07/13/2007	2007-15/66
<u>employee benefits plans</u>					
Human Resource Management, Administration	30060	R477-6	5YR	06/09/2007	2007-13/148
	29887	R477-6	AMD	07/01/2007	2007-10/54
<u>employee performance evaluations</u>					
Human Resource Management, Administration	30050	R477-10	5YR	06/09/2007	2007-13/150
	29891	R477-10	AMD	07/01/2007	2007-10/70
<u>employee productivity</u>					
Human Resource Management, Administration	29891	R477-10	AMD	07/01/2007	2007-10/70
	30050	R477-10	5YR	06/09/2007	2007-13/150
<u>employee recruitment</u>					
Workforce Services, Unemployment Insurance	29958	R994-402	5YR	05/17/2007	2007-12/70
<u>employee termination</u>					
Workforce Services, Unemployment Insurance	29855	R994-405	AMD	08/08/2007	2007-10/88
	30142	R994-405	5YR	06/26/2007	2007-14/61
	30104	R994-405-3	AMD	08/08/2007	2007-13/135
<u>employee's rights</u>					
Workforce Services, Unemployment Insurance	29855	R994-405	AMD	08/08/2007	2007-10/88
	30104	R994-405-3	AMD	08/08/2007	2007-13/135
<u>employees' rights</u>					
Human Resource Management, Administration	30053	R477-12	5YR	06/09/2007	2007-13/152
	29892	R477-12	AMD	07/01/2007	2007-10/72
Workforce Services, Unemployment Insurance	30142	R994-405	5YR	06/26/2007	2007-14/61
<u>employer liability</u>					
Workforce Services, Unemployment Insurance	29686	R994-302	R&R	07/01/2007	2007-7/115
<u>employment</u>					
Human Resource Management, Administration	30061	R477-4	5YR	06/09/2007	2007-13/146
	29885	R477-4	AMD	07/01/2007	2007-10/51
	30055	R477-5	5YR	06/09/2007	2007-13/147
	29886	R477-5	AMD	07/01/2007	2007-10/53
Workforce Services, Unemployment Insurance	29678	R994-202	R&R	07/01/2007	2007-7/90
	30142	R994-405	5YR	06/26/2007	2007-14/61

<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>
	29855	R994-405	AMD	08/08/2007	2007-10/88
	30104	R994-405-3	AMD	08/08/2007	2007-13/135
<u>employment support procedures</u>					
Workforce Services, Employment Development	29700	R986-100-114a	AMD	06/14/2007	2007-7/89
<u>employment tests</u>					
Workforce Services, Unemployment Insurance	29680	R994-204	R&R	07/01/2007	2007-7/96
	29681	R994-205	R&R	07/01/2007	2007-7/103
	29682	R994-206	R&R	07/01/2007	2007-7/107
<u>energy</u>					
Natural Resources, Geological Survey	30159	R638-3	NEW	08/31/2007	2007-14/24
<u>energy assistance</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30124	R195-2	5YR	06/22/2007	2007-14/44
	29982	R195-2	NSC	06/22/2007	Not Printed
	30125	R195-3	5YR	06/22/2007	2007-14/44
	29983	R195-3	NSC	06/22/2007	Not Printed
	30126	R195-4	5YR	06/22/2007	2007-14/45
	29984	R195-4	NSC	06/22/2007	Not Printed
	30127	R195-5	5YR	06/22/2007	2007-14/45
	29985	R195-5	NSC	06/22/2007	Not Printed
	30128	R195-6	5YR	06/25/2007	2007-14/46
	29986	R195-6	NSC	06/25/2007	Not Printed
	29987	R195-7	NSC	06/25/2007	Not Printed
	30130	R195-7	5YR	06/25/2007	2007-14/46
	29988	R195-8	NSC	06/25/2007	Not Printed
<u>energy assistance moratorium</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30131	R195-8	5YR	06/25/2007	2007-14/47
<u>energy industries</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	29988	R195-8	NSC	06/25/2007	Not Printed
<u>energy utility</u>					
Public Service Commission, Administration	29378	R746-440	NEW	03/19/2007	2007-2/111
<u>enforceable written assurance</u>					
Environmental Quality, Environmental Response and Remediation	29585	R311-600	NSC	03/26/2007	Not Printed
<u>enforcement (administrative)</u>					
Public Safety, Administration	29384	R698-1	5YR	01/02/2007	2007-2/118
<u>engineers</u>					
Commerce, Occupational and Professional Licensing	29355	R156-22	AMD	02/22/2007	2007-2/3
<u>enrollment</u>					
Education, Administration	29693	R277-612	NEW	05/09/2007	2007-7/17

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>enrollment options</u>					
Education, Administration	29902	R277-437-1	NSC	05/01/2007	Not Printed
<u>enterprise zones</u>					
Tax Commission, Auditing	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
	29314	R865-9I-52	AMD	02/12/2007	2007-1/44
	29436	R865-9I-53	AMD	04/16/2007	2007-4/41
<u>environment</u>					
Tax Commission, Auditing	29628	R865-13G	5YR	03/09/2007	2007-7/190
<u>environmental assessment</u>					
Natural Resources, Forestry, Fire and State Lands	29763	R652-90	5YR	04/02/2007	2007-8/136
<u>environmental protection</u>					
Environmental Quality, Air Quality	29001	R307-110-13	AMD	03/09/2007	2006-19/30
	29655	R307-220	5YR	03/15/2007	2007-7/156
	30191	R307-415	5YR	07/13/2007	2007-15/66
Environmental Quality, Drinking Water	29363	R309-150	AMD	03/06/2007	2007-2/31
	29362	R309-300-13	NSC	03/06/2007	Not Printed
	29360	R309-405-4	NSC	03/06/2007	Not Printed
<u>Equine Viral Arteritis (EVA)</u>					
Agriculture and Food, Animal Industry	29342	R58-23	NEW	02/28/2007	2007-1/5
<u>equipment</u>					
Environmental Quality, Air Quality	29327	R307-120	AMD	03/09/2007	2007-1/7
	29653	R307-120	5YR	03/15/2007	2007-7/155
<u>essential facilities</u>					
Public Service Commission, Administration	29626	R746-349	5YR	03/08/2007	2007-7/186
<u>estheticians</u>					
Commerce, Occupational and Professional Licensing	29432	R156-11a	AMD	03/27/2007	2007-4/9
	30158	R156-11a	AMD	08/21/2007	2007-14/10
	29013	R156-11a	AMD	01/11/2007	2006-19/5
	29013	R156-11a	CPR	01/11/2007	2006-23/87
	29810	R156-11a	5YR	04/12/2007	2007-9/33
<u>executions</u>					
Corrections, Administration	29533	R251-107	AMD	05/01/2007	2007-6/11
<u>experience</u>					
Commerce, Real Estate	29522	R162-104	5YR	02/15/2007	2007-5/24
	29623	R162-104	AMD	05/29/2007	2007-7/4
<u>extended benefits</u>					
Workforce Services, Unemployment Insurance	29958	R994-402	5YR	05/17/2007	2007-12/70

<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>extended-day</u>					
Education, Administration	30174	R277-489	NSC	07/30/2007	Not Printed
	29933	R277-489	NEW	07/09/2007	2007-11/19
<u>extinguishers</u>					
Public Safety, Fire Marshal	29981	R710-1	5YR	05/30/2007	2007-12/67
	29677	R710-1	AMD	05/08/2007	2007-7/80
<u>extracurricular activities</u>					
Education, Administration	29937	R277-617	REP	07/09/2007	2007-11/25
	29494	R277-617	5YR	02/02/2007	2007-5/25
<u>facilities</u>					
Education, Administration	30096	R277-487	REP	08/07/2007	2007-13/39
<u>facilities use</u>					
Administrative Services, Facilities Construction and Management	29964	R23-19	5YR	05/24/2007	2007-12/59
	29812	R23-19	R&R	06/07/2007	2007-9/3
Capitol Preservation Board (State), Administration	29952	R131-3	5YR	05/16/2007	2007-12/60
<u>facility</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	29802	R525-8	AMD	06/15/2007	2007-9/24
<u>fair employment practices</u>					
Human Resource Management, Administration	30049	R477-2	5YR	06/09/2007	2007-13/145
	29883	R477-2	AMD	07/01/2007	2007-10/46
	30061	R477-4	5YR	06/09/2007	2007-13/146
	29885	R477-4	AMD	07/01/2007	2007-10/51
<u>falconry</u>					
Natural Resources, Wildlife Resources	29401	R657-20	AMD	03/12/2007	2007-3/19
	29398	R657-20	5YR	01/10/2007	2007-3/66
<u>family employment program</u>					
Workforce Services, Employment Development	29853	R986-200	AMD	07/01/2007	2007-10/83
	29587	R986-200	AMD	05/01/2007	2007-6/30
	29414	R986-200-215	AMD	03/15/2007	2007-3/36
	30105	R986-200-217	NSC	06/29/2007	Not Printed
	29974	R986-200-231	AMD	07/31/2007	2007-12/45
	29300	R986-200-246	AMD	02/01/2007	2006-24/38
<u>federal law</u>					
Financial Institutions, Credit Unions	29352	R337-10	NSC	01/22/2007	Not Printed
	29173	R337-10	NEW	01/22/2007	2006-22/25
<u>fees</u>					
Administrative Services, Finance	29424	R25-14	5YR	01/17/2007	2007-4/54
Corrections, Administration	30040	R251-401	5YR	06/07/2007	2007-13/143
Environmental Quality, Air Quality	30190	R307-414	5YR	07/13/2007	2007-15/66

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>
Environmental Quality, Environmental Response and Remediation	29570	R311-203	NSC	04/18/2007	Not Printed
	29841	R311-203	5YR	04/18/2007	2007-10/114
Environmental Quality, Radiation Control	29335	R313-70	AMD	03/16/2007	2007-1/17
Human Services, Substance Abuse and Mental Health	29381	R523-1-2	AMD	02/26/2007	2007-2/97
	29245	R523-1-5	AMD	01/30/2007	2006-24/29
	29382	R523-1-11	AMD	02/26/2007	2007-2/99
	29383	R523-1-23	AMD	05/14/2007	2007-2/101
Labor Commission, Industrial Accidents	30110	R612-2-27	NSC	07/11/2007	Not Printed
	29948	R612-2-27	AMD	07/10/2007	2007-11/71
Natural Resources, Parks and Recreation	29914	R651-611	AMD	07/09/2007	2007-11/73
	30156	R651-611-2	AMD	08/21/2007	2007-14/28
	29773	R651-611-4	AMD	05/22/2007	2007-8/90
<u>filing deadlines</u>					
Labor Commission, Adjudication	30317	R602-1	5YR	08/15/2007	2007-17/62
Labor Commission, Industrial Accidents	30320	R612-1	5YR	08/15/2007	2007-17/63
Workforce Services, Unemployment Insurance	30141	R994-403	5YR	06/26/2007	2007-14/60
<u>filing fees</u>					
Natural Resources, Forestry, Fire and State Lands	29761	R652-4	5YR	04/02/2007	2007-8/131
School and Institutional Trust Lands, Administration	30149	R850-4	5YR	06/27/2007	2007-14/54
<u>filing requirements</u>					
Public Service Commission, Administration	29376	R746-420	CPR	05/17/2007	2007-7/138
	30115	R746-420-2	AMD	08/28/2007	2007-14/29
	29378	R746-440	NEW	03/19/2007	2007-2/111
<u>filtration</u>					
Environmental Quality, Drinking Water	29778	R309-525	5YR	04/02/2007	2007-8/124
<u>financial aid</u>					
Regents (Board Of), Administration	30165	R765-607	AMD	08/22/2007	2007-14/32
<u>financial assistance</u>					
Environmental Quality, Drinking Water	29785	R309-705	5YR	04/02/2007	2007-8/127
<u>financial disclosures</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30126	R195-4	5YR	06/22/2007	2007-14/45
	29984	R195-4	NSC	06/22/2007	Not Printed
<u>financial institutions</u>					
Financial Institutions, Administration	30237	R331-5	5YR	07/25/2007	2007-16/65
	30238	R331-7	5YR	07/25/2007	2007-16/66
	30239	R331-9	5YR	07/25/2007	2007-16/66
	30240	R331-10	5YR	07/25/2007	2007-16/67
	30241	R331-12	5YR	07/25/2007	2007-16/67
	30242	R331-14	5YR	07/25/2007	2007-16/68
	29818	R331-22	5YR	04/16/2007	2007-9/35

<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>
Financial Institutions, Credit Unions	29173	R337-10	NEW	01/22/2007	2006-22/25
	29352	R337-10	NSC	01/22/2007	Not Printed
Financial Institutions, Nondepository Lenders	29225	R343-1	NEW	01/09/2007	2006-23/65
<u>financial responsibility</u>					
Environmental Quality, Environmental Response and Remediation	29574	R311-207	NSC	04/18/2007	Not Printed
	29845	R311-207	5YR	04/18/2007	2007-10/117
<u>financial statements</u>					
Commerce, Securities	30256	R164-10	5YR	07/30/2007	2007-16/60
<u>financing of programs</u>					
Human Services, Substance Abuse and Mental Health	30038	R523-20	5YR	06/05/2007	2007-13/153
	29246	R523-20-2	AMD	01/30/2007	2006-24/31
<u>fire alarm systems</u>					
Public Safety, Fire Marshal	29701	R710-11	AMD	05/08/2007	2007-7/88
<u>fire prevention</u>					
Public Safety, Fire Marshal	29981	R710-1	5YR	05/30/2007	2007-12/67
	29677	R710-1	AMD	05/08/2007	2007-7/80
	29233	R710-4	AMD	01/09/2007	2006-23/72
	30043	R710-4	5YR	06/08/2007	2007-13/156
	29683	R710-4-3	AMD	05/08/2007	2007-7/82
	30007	R710-7	5YR	05/31/2007	2007-12/67
	29706	R710-8	5YR	03/16/2007	2007-8/139
	29234	R710-8	AMD	01/09/2007	2006-23/76
	29232	R710-9	AMD	01/09/2007	2006-23/78
	29702	R710-9	AMD	05/08/2007	2007-7/83
	30044	R710-9	5YR	06/08/2007	2007-13/156
	29421	R710-9	AMD	03/12/2007	2007-3/32
<u>firearms</u>					
Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/128
Public Safety, Administration	29331	R698-100	NSC	04/02/2007	Not Printed
	29728	R698-100	REP	05/23/2007	2007-8/109
	29787	R698-100	5YR	04/02/2007	2007-8/136
<u>fireplaces</u>					
Environmental Quality, Air Quality	29798	R307-122	REP	07/13/2007	2007-9/17
	29322	R307-122	NSC	07/13/2007	Not Printed
<u>fireworks</u>					
Public Safety, Fire Marshal	29422	R710-2	AMD	03/12/2007	2007-3/27
	30031	R710-2	5YR	06/04/2007	2007-13/155
	29679	R710-2-7	NSC	03/29/2007	Not Printed
<u>fiscal assistance</u>					
Natural Resources, Parks and Recreation	30247	R651-301	5YR	07/26/2007	2007-16/73

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>fish</u> Natural Resources, Wildlife Resources	30067	R657-13	AMD	08/07/2007	2007-13/93
<u>fishing</u> Natural Resources, Wildlife Resources	30067	R657-13	AMD	08/07/2007	2007-13/93
	29920	R657-30	5YR	05/07/2007	2007-11/88
<u>fleet expansion</u> Administrative Services, Fleet Operations	30212	R27-4	5YR	07/25/2007	2007-16/57
<u>flocculation</u> Environmental Quality, Drinking Water	29778	R309-525	5YR	04/02/2007	2007-8/124
<u>food</u> Agriculture and Food, Regulatory Services	30062	R70-560	NEW	08/07/2007	2007-13/7
<u>food establishment registration</u> Agriculture and Food, Regulatory Services	30062	R70-560	NEW	08/07/2007	2007-13/7
<u>food inspection</u> Agriculture and Food, Regulatory Services	29507	R70-320	5YR	02/08/2007	2007-5/22
	29499	R70-350	5YR	02/05/2007	2007-5/22
	29500	R70-360	5YR	02/05/2007	2007-5/23
<u>food services</u> Health, Epidemiology and Laboratory Services, Environmental Services	29722	R392-100	5YR	03/22/2007	2007-8/129
<u>food stamps</u> Workforce Services, Employment Development	29588	R986-900-902	AMD	05/01/2007	2007-6/34
<u>foreign exchange students</u> Education, Administration	29693	R277-612	NEW	05/09/2007	2007-7/17
<u>forensic</u> Human Services, Substance Abuse and Mental Health, State Hospital	29802	R525-8	AMD	06/15/2007	2007-9/24
<u>forest practices</u> Natural Resources, Forestry, Fire and State Lands	29433	R652-140	NSC	01/23/2007	Not Printed
	29461	R652-140	NEW	03/26/2007	2007-4/37
<u>foster care</u> Human Services, Child and Family Services	30290	R512-2	5YR	08/07/2007	2007-17/59
	30291	R512-31	5YR	08/07/2007	2007-17/60
	29388	R512-43	5YR	01/03/2007	2007-3/59
<u>franchises</u> Commerce, Administration	30195	R151-35	5YR	07/13/2007	2007-15/61
Commerce, Consumer Protection	30119	R152-15	5YR	06/22/2007	2007-14/42
Tax Commission, Auditing	29624	R865-6F	5YR	03/08/2007	2007-7/187
	29323	R865-6F-30	AMD	02/12/2007	2007-1/41
	29437	R865-6F-37	AMD	04/16/2007	2007-4/40

<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>fraud</u>					
Commerce, Consumer Protection	29379	R152-26	AMD	02/23/2007	2007-2/3
	29594	R152-26	5YR	03/05/2007	2007-7/149
Commerce, Securities	30258	R164-1	5YR	07/30/2007	2007-16/57
<u>free speech</u>					
Administrative Services, Facilities Construction and Management	29811	R23-20	NEW	06/07/2007	2007-9/11
<u>freedom of information</u>					
Administrative Services, Administration	29771	R13-2	5YR	04/02/2007	2007-8/119
	29772	R13-2	AMD	05/22/2007	2007-8/3
	29524	R151-2	5YR	02/15/2007	2007-5/23
Natural Resources, Parks and Recreation	30245	R651-102	5YR	07/26/2007	2007-16/72
Natural Resources, Wildlife Resources	29916	R657-29	5YR	05/03/2007	2007-11/87
Public Safety, Administration	29385	R698-2	5YR	01/02/2007	2007-2/118
<u>fuel</u>					
Tax Commission, Auditing	29556	R865-4D	5YR	02/26/2007	2007-6/48
<u>fuel dispensing</u>					
Administrative Services, Fleet Operations	29515	R27-6	5YR	02/14/2007	2007-5/19
<u>functional classification</u>					
Transportation, Program Development	29455	R926-4	NEW	03/26/2007	2007-4/43
<u>funding formual funds aging</u>					
Human Services, Aging and Adult Services	30342	R510-100	5YR	08/21/2007	Not Printed
<u>funeral industries</u>					
Commerce, Occupational and Professional Licensing	29391	R156-9-302a	AMD	03/13/2007	2007-3/6
<u>funeral services</u>					
Commerce, Occupational and Professional Licensing	29391	R156-9-302a	AMD	03/13/2007	2007-3/6
<u>game birds</u>					
Natural Resources, Wildlife Resources	29921	R657-22	5YR	05/07/2007	2007-11/87
	29635	R657-22-3	AMD	05/08/2007	2007-7/75
<u>game laws</u>					
Natural Resources, Wildlife Resources	29996	R657-4	5YR	05/31/2007	2007-12/66
	30063	R657-5	AMD	08/07/2007	2007-13/84
	29351	R657-5	AMD	02/07/2007	2007-1/25
	29923	R657-5	AMD	07/09/2007	2007-11/75
	29502	R657-5-43	AMD	04/09/2007	2007-5/17
	30064	R657-6	AMD	08/07/2007	2007-13/86
	30066	R657-10	AMD	08/07/2007	2007-13/90
	30173	R657-14	5YR	07/09/2007	2007-15/70
	30068	R657-17	AMD	08/07/2007	2007-13/95
	29328	R657-17-3	AMD	02/07/2007	2007-1/34
	29402	R657-33	AMD	03/12/2007	2007-3/24

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>
	30069	R657-33	AMD	08/07/2007	2007-13/111
	30074	R657-54	AMD	08/07/2007	2007-13/125
<u>gasoline</u>					
Environmental Quality, Air Quality	29660	R307-301	5YR	03/15/2007	2007-7/158
	29665	R307-326	5YR	03/15/2007	2007-7/161
	29006	R307-326	AMD	03/09/2007	2006-19/37
	29006	R307-326	CPR	03/09/2007	2007-3/43
	29526	R307-326-1	NSC	03/09/2007	Not Printed
	29666	R307-327	5YR	03/15/2007	2007-7/163
	29004	R307-327	CPR	03/09/2007	2007-3/45
	29004	R307-327	AMD	03/09/2007	2006-19/40
	29007	R307-332	REP	01/16/2007	2006-19/46
Tax Commission, Auditing	29628	R865-13G	5YR	03/09/2007	2007-7/190
<u>gasoline transport</u>					
Environmental Quality, Air Quality	29005	R307-328	AMD	01/16/2007	2006-19/43
	29667	R307-328	5YR	03/15/2007	2007-7/164
	29150	R307-328-1	NSC	01/16/2007	Not Printed
	29671	R307-342	5YR	03/15/2007	2007-7/167
	29011	R307-342	AMD	01/16/2007	2006-19/60
<u>general assistance</u>					
Workforce Services, Employment Development	29976	R986-400	AMD	07/31/2007	2007-12/46
	29854	R986-400	AMD	07/01/2007	2007-10/85
<u>genetic counselors</u>					
Commerce, Occupational and Professional Licensing	29397	R156-75	5YR	01/09/2007	2007-3/58
<u>geology</u>					
Commerce, Occupational and Professional Licensing	29905	R156-76	5YR	05/01/2007	2007-10/106
<u>geothermal resources</u>					
Natural Resources, Water Rights	30182	R655-1	5YR	07/12/2007	2007-15/69
<u>government corporations</u>					
Workforce Services, Unemployment Insurance	29698	R994-311	AMD	07/01/2007	2007-7/130
<u>government documents</u>					
Administrative Services, Records Committee	29081	R35-2-2	AMD	01/05/2007	2006-20/2
Attorney General, Administration	30037	R105-2	5YR	06/05/2007	2007-13/142
	29524	R151-2	5YR	02/15/2007	2007-5/23
Community and Culture, Home Energy Assistance Target (HEAT)	30130	R195-7	5YR	06/25/2007	2007-14/46
	29987	R195-7	NSC	06/25/2007	Not Printed
Environmental Quality, Administration	29809	R305-1	5YR	04/12/2007	2007-9/34
	29867	R380-20	5YR	04/26/2007	2007-10/121
	29497	R495-810	5YR	02/05/2007	2007-5/27
Natural Resources, Parks and Recreation	30245	R651-102	5YR	07/26/2007	2007-16/72

<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>
Natural Resources, Forestry, Fire and State Lands	29766	R652-6	5YR	04/02/2007	2007-8/132
Natural Resources, Wildlife Resources	29916	R657-29	5YR	05/03/2007	2007-11/87
Public Safety, Administration	29385	R698-2	5YR	01/02/2007	2007-2/118
	30148	R850-6	5YR	06/27/2007	2007-14/55
<u>government ethics</u>					
Human Resource Management, Administration	29890	R477-9	AMD	07/01/2007	2007-10/68
	30052	R477-9	5YR	06/09/2007	2007-13/149
<u>government hearings</u>					
Agriculture and Food, Administration	29405	R51-2	5YR	01/11/2007	2007-3/56
Commerce, Consumer Protection	30118	R152-6	5YR	06/22/2007	2007-14/42
Financial Institutions, Administration	30239	R331-9	5YR	07/25/2007	2007-16/66
	29894	R477-11	NSC	05/11/2007	Not Printed
	30056	R477-11	5YR	06/09/2007	2007-13/151
	30219	R671-205	5YR	07/25/2007	2007-16/75
	30226	R671-304	5YR	07/25/2007	2007-16/78
	30227	R671-305	5YR	07/25/2007	2007-16/78
<u>government purchasing</u>					
School and Institutional Trust Lands, Administration	29859	R850-11	5YR	04/24/2007	2007-10/129
<u>governor</u>					
Environmental Quality, Air Quality	29501	R307-105	NSC	07/13/2007	Not Printed
	30183	R307-105	5YR	07/13/2007	2007-15/62
<u>GRAMA</u>					
Attorney General, Administration	30037	R105-2	5YR	06/05/2007	2007-13/142
	29809	R305-1	5YR	04/12/2007	2007-9/34
	29867	R380-20	5YR	04/26/2007	2007-10/121
Natural Resources, Forestry, Fire and State Lands	29766	R652-6	5YR	04/02/2007	2007-8/132
Regents (Board Of), College of Eastern Utah	30108	R767-1	5YR	06/19/2007	2007-14/52
School and Institutional Trust Lands, Administration	30148	R850-6	5YR	06/27/2007	2007-14/55
<u>grants</u>					
Education, Administration	29305	R277-511	NEW	01/23/2007	2006-24/7
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29605	R643-886	5YR	03/07/2007	2007-7/174
<u>grievance procedures</u>					
Health, Administration	30339	R380-100	5YR	08/20/2007	Not Printed
	29713	R861-1A	5YR	03/20/2007	2007-8/139
	29324	R861-1A-19	AMD	02/12/2007	2007-1/41
	29941	R861-1A-41	AMD	07/16/2007	2007-11/76
<u>grievances</u>					
Human Resource Management, Administration	29884	R477-3	AMD	07/01/2007	2007-10/49
	30058	R477-3	5YR	06/09/2007	2007-13/146
	29894	R477-11	NSC	05/11/2007	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>
	30056	R477-11	5YR	06/09/2007	2007-13/151
	30053	R477-12	5YR	06/09/2007	2007-13/152
	29892	R477-12	AMD	07/01/2007	2007-10/72
<u>ground water</u>					
Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
	29185	R317-6-6	AMD	01/19/2007	2006-22/23
<u>guardianship</u>					
Human Services, Public Guardian (Office of)	29950	R549-1	NEW	07/09/2007	2007-11/50
<u>halfway houses</u>					
Corrections, Administration	29463	R251-306	5YR	01/31/2007	2007-4/58
Human Services, Recovery Services	30354	R527-257	5YR	08/22/2007	Not Printed
<u>hardship grants</u>					
Environmental Quality, Drinking Water	29784	R309-700	5YR	04/02/2007	2007-8/127
<u>Hatch Act</u>					
Human Resource Management, Administration	30052	R477-9	5YR	06/09/2007	2007-13/149
	29890	R477-9	AMD	07/01/2007	2007-10/68
<u>hazardous air pollutant</u>					
Environmental Quality, Air Quality	29194	R307-214-2	AMD	02/09/2007	2006-23/10
	30189	R307-410	5YR	07/13/2007	2007-15/65
<u>hazardous materials transportation</u>					
Transportation, Motor Carrier	29339	R909-75	AMD	02/08/2007	2007-1/49
<u>hazardous pollutant</u>					
Environmental Quality, Air Quality	29659	R307-135	5YR	03/15/2007	2007-7/156
<u>hazardous substances</u>					
Environmental Quality, Environmental Response and Remediation	29568	R311-201	NSC	04/18/2007	Not Printed
	29839	R311-201	5YR	04/18/2007	2007-10/113
	29569	R311-202	NSC	04/18/2007	Not Printed
	29840	R311-202	5YR	04/18/2007	2007-10/114
	29570	R311-203	NSC	04/18/2007	Not Printed
	29841	R311-203	5YR	04/18/2007	2007-10/114
	29571	R311-204	NSC	04/18/2007	Not Printed
	29842	R311-204	5YR	04/18/2007	2007-10/115
	29844	R311-206	5YR	04/18/2007	2007-10/116
	29573	R311-206	NSC	04/18/2007	Not Printed
	29579	R311-212	NSC	04/18/2007	Not Printed
	29850	R311-212	5YR	04/18/2007	2007-10/120
	30210	R311-401	5YR	07/19/2007	2007-16/65
Transportation, Motor Carrier	29339	R909-75	AMD	02/08/2007	2007-1/49
<u>Hazardous Substances Mitigation Act</u>					
Environmental Quality, Environmental Response and Remediation	29585	R311-600	NSC	03/26/2007	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>hazardous substances priority list</u> Environmental Quality, Environmental Response and Remediation	30210	R311-401	5YR	07/19/2007	2007-16/65
<u>hazardous waste</u> Transportation, Motor Carrier	29339	R909-75	AMD	02/08/2007	2007-1/49
<u>health</u> Health, Center for Health Data, Health Care Statistics	29788	R428-1	5YR	04/03/2007	2007-9/38
	29789	R428-2	5YR	04/03/2007	2007-9/38
	29790	R428-5	5YR	04/03/2007	2007-9/39
	29791	R428-10	5YR	04/03/2007	2007-9/39
	29793	R428-20	5YR	04/03/2007	2007-9/40
<u>health administration</u> Health, Administration	30338	R380-10	5YR	08/20/2007	Not Printed
<u>health care facilities</u> Health, Health Systems Improvement, Licensing	29750	R432-2-6	AMD	05/29/2007	2007-8/82
<u>health care professionals</u> Public Safety, Driver License	29633	R708-7	5YR	03/13/2007	2007-7/184
	29582	R708-7-10	AMD	04/23/2007	2007-6/29
<u>health care quality</u> Health, Center for Health Data, Health Care Statistics	29792	R428-12	5YR	04/03/2007	2007-9/40
<u>health effects</u> Environmental Quality, Drinking Water	29367	R309-220	AMD	03/06/2007	2007-2/86
	29648	R309-220-15	AMD	05/14/2007	2007-7/46
<u>health facilities</u> Health, Health Systems Improvement, Licensing	29525	R432-100-33	AMD	04/11/2007	2007-5/14
<u>health insurance</u> Insurance, Administration	29404	R590-126	5YR	01/11/2007	2007-3/63
	29431	R590-126-4	AMD	04/09/2007	2007-4/28
	29998	R590-126-4	AMD	07/30/2007	2007-12/20
	29400	R590-176	5YR	01/11/2007	2007-3/65
	29999	R590-233-4	AMD	07/30/2007	2007-12/35
<u>health insurance exemption</u> Insurance, Administration	29419	R590-239	NEW	04/09/2007	2007-3/13
	29420	R590-240	CPR	06/08/2007	2007-9/30
	29420	R590-240	NEW	06/08/2007	2007-3/15
	30102	R590-240-5	AMD	08/08/2007	2007-13/54
<u>health insurance exemptions</u> Insurance, Administration	30228	R590-240-3	NSC	08/14/2007	Not Printed
<u>health insurance filings</u> Insurance, Administration	28767	R590-220	CPR	01/22/2007	2006-16/30

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>
	28767	R590-220	CPR	01/22/2007	2006-24/44
	29947	R590-220	AMD	07/12/2007	2007-11/51
	28767	R590-220	AMD	01/22/2007	2006-12/27
<u>health maintenance organization</u>					
Health, Center for Health Data, Health Care Statistics	29792	R428-12	5YR	04/03/2007	2007-9/40
<u>health planning</u>					
Health, Center for Health Data, Health Care Statistics	29788	R428-1	5YR	04/03/2007	2007-9/38
	29789	R428-2	5YR	04/03/2007	2007-9/38
	29790	R428-5	5YR	04/03/2007	2007-9/39
	29791	R428-10	5YR	04/03/2007	2007-9/39
	29793	R428-20	5YR	04/03/2007	2007-9/40
<u>health policy</u>					
Health, Center for Health Data, Health Care Statistics	29788	R428-1	5YR	04/03/2007	2007-9/38
	29789	R428-2	5YR	04/03/2007	2007-9/38
	29790	R428-5	5YR	04/03/2007	2007-9/39
	29793	R428-20	5YR	04/03/2007	2007-9/40
<u>health spas</u>					
Commerce, Consumer Protection	30121	R152-23	5YR	06/22/2007	2007-14/43
	29238	R152-23	AMD	01/23/2007	2006-24/3
<u>hearings</u>					
Environmental Quality, Drinking Water	29361	R309-115-2	NSC	03/06/2007	Not Printed
Labor Commission, Adjudication	30318	R602-2	5YR	08/15/2007	2007-17/62
	29957	R602-2-4	AMD	07/24/2007	2007-12/40
<u>HEAT</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30124	R195-2	5YR	06/22/2007	2007-14/44
	29982	R195-2	NSC	06/22/2007	Not Printed
<u>high quality ground water</u>					
Environmental Quality, Drinking Water	29775	R309-505	5YR	04/02/2007	2007-8/123
<u>higher education</u>					
Education, Administration	30098	R277-713	AMD	08/07/2007	2007-13/47
	30177	R628-2	5YR	07/10/2007	2007-15/68
	30165	R765-607	AMD	08/22/2007	2007-14/32
<u>highly qualified</u>					
Education, Administration	30097	R277-510	R&R	08/07/2007	2007-13/42
	29305	R277-511	NEW	01/23/2007	2006-24/7
<u>highway construction</u>					
Transportation, Operations, Maintenance	29456	R918-2	REP	06/06/2007	2007-4/42
<u>HIPPA eligibility</u>					
Insurance, Administration	29430	R590-236	AMD	04/09/2007	2007-4/30

<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>hiring practices</u>					
Human Resource Management, Administration	30061	R477-4	5YR	06/09/2007	2007-13/146
	29885	R477-4	AMD	07/01/2007	2007-10/51
<u>historic preservation</u>					
Tax Commission, Auditing	29624	R865-6F	5YR	03/08/2007	2007-7/187
	29323	R865-6F-30	AMD	02/12/2007	2007-1/41
	29437	R865-6F-37	AMD	04/16/2007	2007-4/40
	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
	29314	R865-9I-52	AMD	02/12/2007	2007-1/44
	29436	R865-9I-53	AMD	04/16/2007	2007-4/41
<u>HIV</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	30207	R388-802	5YR	07/19/2007	2007-16/69
<u>HIV/AIDS</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	29979	R388-803	5YR	05/29/2007	2007-12/61
<u>holidays</u>					
Human Resource Management, Administration	29888	R477-7	AMD	07/01/2007	2007-10/57
	30161	R477-7	5YR	06/29/2007	2007-14/47
<u>hospital policy</u>					
Health, Center for Health Data, Health Care Statistics	29791	R428-10	5YR	04/03/2007	2007-9/39
<u>hospitals</u>					
Environmental Quality, Air Quality	29657	R307-222	5YR	03/15/2007	2007-7/157
Health, Administration	29538	R380-200	AMD	04/26/2007	2007-6/14
<u>hostile work environment</u>					
Human Resource Management, Administration	30054	R477-15	5YR	06/09/2007	2007-13/153
	29895	R477-15	NSC	05/11/2007	Not Printed
<u>hotels</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	30204	R392-502	5YR	07/18/2007	2007-16/69
<u>hours of business</u>					
Labor Commission, Administration	30316	R600-2	5YR	08/15/2007	2007-17/61
<u>human services</u>					
Human Services, Administration, Administrative Services, Licensing	29874	R501-8	NSC	05/14/2007	Not Printed
<u>hunting</u>					
Natural Resources, Wildlife Resources	29329	R657-38	AMD	02/07/2007	2007-1/35
	30070	R657-38	AMD	08/07/2007	2007-13/113

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>hunting and fishing licenses</u>					
Natural Resources, Wildlife Resources	30068	R657-17	AMD	08/07/2007	2007-13/95
	29328	R657-17-3	AMD	02/07/2007	2007-1/34
<u>hydropneumatic systems</u>					
Environmental Quality, Drinking Water	29781	R309-540	5YR	04/02/2007	2007-8/126
<u>IIB in-home legal funding</u>					
Human Services, Aging and Adult Services	30345	R510-106	5YR	08/21/2007	Not Printed
<u>immunization</u>					
Health, Community and Family Health Services, Immunization	29547	R396-100	AMD	05/07/2007	2007-6/19
<u>implements of husbandry</u>					
Transportation, Motor Carrier	29338	R909-1-1	AMD	02/08/2007	2007-1/45
<u>import requirements</u>					
Agriculture and Food, Animal Industry	29912	R58-1	AMD	08/07/2007	2007-11/4
<u>import restrictions</u>					
Natural Resources, Wildlife Resources	29751	R657-53	AMD	05/22/2007	2007-8/92
<u>imputation</u>					
Public Service Commission, Administration	29626	R746-349	5YR	03/08/2007	2007-7/186
<u>in-service training</u>					
Public Safety, Peace Officer Standards and Training	29565	R728-500	5YR	02/27/2007	2007-6/45
<u>incapacitated</u>					
Human Services, Public Guardian (Office of)	29950	R549-1	NEW	07/09/2007	2007-11/50
<u>incinerators</u>					
Environmental Quality, Air Quality	29655	R307-220	5YR	03/15/2007	2007-7/156
	29229	R307-220	AMD	05/09/2007	2006-23/12
	29229	R307-220	CPR	05/09/2007	2007-7/136
<u>income</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29543	R414-303-17	AMD	05/01/2007	2007-6/23
<u>income eligibility</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30125	R195-3	5YR	06/22/2007	2007-14/44
	29983	R195-3	NSC	06/22/2007	Not Printed
<u>income tax</u>					
Tax Commission, Auditing	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
	29314	R865-9I-52	AMD	02/12/2007	2007-1/44
	29436	R865-9I-53	AMD	04/16/2007	2007-4/41

<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>independent contractor</u> Workforce Services, Unemployment Insurance	29680	R994-204	R&R	07/01/2007	2007-7/96
<u>independent evaluator</u> Public Service Commission, Administration	29376	R746-420	NEW	05/17/2007	2007-2/102
<u>independent foster care adolescent</u> Health, Health Care Financing, Coverage and Reimbursement Policy	29543	R414-303-17	AMD	05/01/2007	2007-6/23
<u>indigent</u> Health, Health Care Financing, Medical Assistance Program	29909	R420-1	REP	07/01/2007	2007-10/40
<u>individual home booster pumps</u> Environmental Quality, Drinking Water	29781	R309-540	5YR	04/02/2007	2007-8/126
<u>indoor air pollution</u> Health, Epidemiology and Laboratory Services, Environmental Services	29856	R392-510	5YR	04/23/2007	2007-10/124
<u>industrial waste</u> Environmental Quality, Water Quality	29186 29098	R317-1-2 R317-1-7	AMD AMD	01/19/2007 01/19/2007	2006-22/21 2006-20/54
<u>industry</u> Environmental Quality, Radiation Control	29310 29595 29336	R313-35 R313-35 R313-36	NSC 5YR AMD	03/05/2007 03/05/2007 03/16/2007	Not Printed 2007-7/169 2007-1/15
<u>infants</u> Health, Community and Family Health Services, WIC Services	29878 29879 29880 29876 29877	R406-100 R406-200 R406-201 R406-202 R406-301	5YR 5YR 5YR 5YR 5YR	04/27/2007 04/27/2007 04/27/2007 04/27/2007 04/27/2007	2007-10/124 2007-10/125 2007-10/126 2007-10/126 2007-10/127
<u>infectious waste</u> Environmental Quality, Air Quality	29657	R307-222	5YR	03/15/2007	2007-7/157
<u>informal procedures</u> Community and Culture, Library	30079	R223-1	5YR	06/13/2007	2007-13/143
<u>inmates</u> Pardons (Board Of), Administration	30216 30217 30223 30225 30229 30230 30232 30231 30234	R671-201 R671-202 R671-301 R671-303 R671-308 R671-309 R671-310 R671-311 R671-316	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	07/25/2007 07/25/2007 07/25/2007 07/25/2007 07/25/2007 07/25/2007 07/25/2007 07/25/2007 07/25/2007	2007-16/74 2007-16/75 2007-16/77 2007-16/78 2007-16/79 2007-16/79 2007-16/80 2007-16/80 2007-16/81

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>inmates' rights</u>					
Pardons (Board Of), Administration	30225	R671-303	5YR	07/25/2007	2007-16/78
<u>inspections</u>					
Agriculture and Food, Animal Industry	29505	R58-18	5YR	02/08/2007	2007-5/20
	29503	R58-22	5YR	02/08/2007	2007-5/21
	29342	R58-23	NEW	02/28/2007	2007-1/5
Agriculture and Food, Plant Industry	29347	R68-20	AMD	02/28/2007	2007-1/6
Agriculture and Food, Regulatory Services	29632	R70-530	5YR	03/12/2007	2007-7/149
<u>instructional materials</u>					
Education, Administration	30091	R277-469	AMD	08/07/2007	2007-13/20
<u>insurance</u>					
Human Resource Management, Administration	29887	R477-6	AMD	07/01/2007	2007-10/54
	30060	R477-6	5YR	06/09/2007	2007-13/148
	29443	R590-102	5YR	01/26/2007	2007-4/63
	29824	R590-102-9	AMD	06/08/2007	2007-9/25
	29406	R590-103	5YR	01/11/2007	2007-3/62
	29452	R590-114	5YR	01/29/2007	2007-4/64
	29813	R590-118	5YR	04/13/2007	2007-9/43
	29822	R590-146	5YR	04/16/2007	2007-9/44
	29449	R590-147	5YR	01/29/2007	2007-4/66
	30213	R590-148	5YR	07/25/2007	2007-16/71
	30006	R590-148-25	AMD	07/30/2007	2007-12/22
	30134	R590-149	5YR	06/26/2007	2007-14/50
	30243	R590-151	5YR	07/25/2007	2007-16/72
	30160	R590-173	5YR	06/29/2007	2007-14/51
	29407	R590-181	5YR	01/11/2007	2007-3/65
	29410	R590-182	5YR	01/12/2007	2007-3/66
	29826	R590-203	5YR	04/17/2007	2007-10/128
	29724	R590-211-1	NSC	04/12/2007	Not Printed
<u>insurance companies</u>					
Insurance, Administration	29820	R590-101	5YR	04/16/2007	2007-9/42
	29814	R590-108	5YR	04/13/2007	2007-9/43
	29583	R590-116	5YR	02/28/2007	2007-6/39
	29584	R590-117	5YR	02/28/2007	2007-6/40
	29454	R590-150	5YR	01/29/2007	2007-4/66
<u>insurance fee</u>					
Insurance, Administration	29684	R590-157	AMD	06/13/2007	2007-7/71
<u>insurance law</u>					
Insurance, Administration	29815	R590-68	5YR	04/13/2007	2007-9/41
	29451	R590-70	5YR	01/29/2007	2007-4/62
	29821	R590-85	5YR	04/16/2007	2007-9/41
	30220	R590-91-13	NSC	08/14/2007	Not Printed
	29447	R590-95	5YR	01/27/2007	2007-4/62

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	29446	R590-99	5YR	01/27/2007	2007-4/63
	29403	R590-121	5YR	01/11/2007	2007-3/63
	29726	R590-121-2	NSC	04/12/2007	Not Printed
	30135	R590-122	5YR	06/26/2007	2007-14/50
	29445	R590-123	5YR	01/27/2007	2007-4/64
	29448	R590-123-1	NSC	02/13/2007	Not Printed
	29411	R590-133	5YR	01/12/2007	2007-3/64
	29444	R590-142	5YR	01/26/2007	2007-4/65
	29450	R590-143	5YR	01/29/2007	2007-4/65
<u>insurance rule</u>					
Insurance, Administration	29823	R590-120	5YR	04/16/2007	2007-9/44
<u>interconnection</u>					
Public Service Commission, Administration	29428	R746-348	5YR	01/22/2007	2007-4/67
<u>interest buy-downs</u>					
Environmental Quality, Drinking Water	29784	R309-700	5YR	04/02/2007	2007-8/127
<u>intern program</u>					
Education, Administration	29496	R277-915	5YR	02/02/2007	2007-5/26
<u>interstate compacts</u>					
Workforce Services, Unemployment Insurance	29955	R994-106	5YR	05/17/2007	2007-12/69
<u>interstate shell fish safety</u>					
Agriculture and Food, Regulatory Services	29970	R70-550	NEW	08/07/2007	2007-12/7
<u>intrastate driver license waivers</u>					
Public Safety, Driver License	29589	R708-34	5YR	03/02/2007	2007-7/185
<u>investigations</u>					
Public Safety, Peace Officer Standards and Training	29562	R728-409	5YR	02/27/2007	2007-6/44
<u>investment advisers</u>					
Money Management Council, Administration	29906	R628-15	AMD	06/21/2007	2007-10/79
<u>iron and manganese control</u>					
Environmental Quality, Drinking Water	29780	R309-535	5YR	04/02/2007	2007-8/125
<u>job descriptions</u>					
Human Resource Management, Administration	29884	R477-3	AMD	07/01/2007	2007-10/49
	30058	R477-3	5YR	06/09/2007	2007-13/146
<u>Judicial Conduct Commission</u>					
Judicial Conduct Commission, Administration	29924	R595-2-1	AMD	09/01/2007	2007-11/70
<u>juvenile corrections</u>					
Human Services, Juvenile Justice Services	29992	R547-1	5YR	05/30/2007	2007-12/64
	29993	R547-3	5YR	05/30/2007	2007-12/65
	30032	R547-6	5YR	06/04/2007	2007-13/154
	29990	R547-7	5YR	05/30/2007	2007-12/65

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>
	29991	R547-12	5YR	05/30/2007	2007-12/66
	30033	R547-13	5YR	06/04/2007	2007-13/154
<u>juvenile detention</u>					
Human Services, Juvenile Justice Services	30033	R547-13	5YR	06/04/2007	2007-13/154
<u>kindergarten</u>					
Education, Administration	30174	R277-489	NSC	07/30/2007	Not Printed
	29933	R277-489	NEW	07/09/2007	2007-11/19
<u>labor</u>					
Labor Commission, Safety	29733	R616-1	R&R	05/23/2007	2007-8/88
<u>labor commission</u>					
Labor Commission, Administration	30316	R600-2	5YR	08/15/2007	2007-17/61
<u>laboratories</u>					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	29549	R444-14	5YR	02/26/2007	2007-6/39
<u>land exchange</u>					
School and Institutional Trust Lands, Administration	29408	R850-90	5YR	01/12/2007	2007-3/66
<u>land use</u>					
Natural Resources, Forestry, Fire and State Lands	29763	R652-90	5YR	04/02/2007	2007-8/136
Natural Resources, Wildlife Resources	30036	R657-28	NSC	08/14/2007	Not Printed
	30313	R657-28	5YR	08/14/2007	2007-17/63
	30084	R657-28	AMD	08/07/2007	2007-13/101
School and Institutional Trust Lands, Administration	30325	R850-100	5YR	08/15/2007	2007-17/64
	29409	R850-120	5YR	01/12/2007	2007-3/67
<u>landfills</u>					
Environmental Quality, Air Quality	29655	R307-220	5YR	03/15/2007	2007-7/156
	29229	R307-220	AMD	05/09/2007	2006-23/12
	29229	R307-220	CPR	05/09/2007	2007-7/136
<u>landowner permits</u>					
Natural Resources, Wildlife Resources	30072	R657-43	AMD	08/07/2007	2007-13/120
	29639	R657-43	5YR	03/13/2007	2007-7/183
	29704	R657-43	NSC	04/12/2007	Not Printed
	29580	R657-43	NSC	03/13/2007	Not Printed
<u>law</u>					
Public Safety, Fire Marshal	30044	R710-9	5YR	06/08/2007	2007-13/156
	29421	R710-9	AMD	03/12/2007	2007-3/32
	29232	R710-9	AMD	01/09/2007	2006-23/78
	29702	R710-9	AMD	05/08/2007	2007-7/83
<u>law enforcement officers</u>					
Public Safety, Peace Officer Standards and Training	29551	R728-101	5YR	02/26/2007	2007-6/40
	29552	R728-401	5YR	02/26/2007	2007-6/41
	29548	R728-401	5YR	02/26/2007	2007-6/67

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	29147	R728-401-3	AMD	01/20/2007	2006-22/45
	29553	R728-402	5YR	02/26/2007	2007-6/41
	29176	R728-402	AMD	01/20/2007	2006-22/47
	29557	R728-403	5YR	02/26/2007	2007-6/42
	29558	R728-404	5YR	02/26/2007	2007-6/42
	29559	R728-405	5YR	02/26/2007	2007-6/43
	29560	R728-406	5YR	02/26/2007	2007-6/43
	29561	R728-407	5YR	02/26/2007	2007-6/44
	29562	R728-409	5YR	02/27/2007	2007-6/44
	29563	R728-410	5YR	02/27/2007	2007-6/45
	30280	R728-410-2	NSC	08/14/2007	Not Printed
	29565	R728-500	5YR	02/27/2007	2007-6/45
<u>leases</u>					
Financial Institutions, Administration	30238	R331-7	5YR	07/25/2007	2007-16/66
Natural Resources, Forestry, Fire and State Lands	29759	R652-30	5YR	04/02/2007	2007-8/133
Natural Resources, Wildlife Resources	30036	R657-28	NSC	08/14/2007	Not Printed
	30084	R657-28	AMD	08/07/2007	2007-13/101
	30313	R657-28	5YR	08/14/2007	2007-17/63
School and Institutional Trust Lands, Administration	30150	R850-30	5YR	06/27/2007	2007-14/56
<u>leave benefits</u>					
Human Resource Management, Administration	29888	R477-7	AMD	07/01/2007	2007-10/57
	30161	R477-7	5YR	06/29/2007	2007-14/47
<u>legal aid</u>					
Corrections, Administration	29464	R251-707	5YR	01/31/2007	2007-4/59
<u>legislative procedures</u>					
Public Safety, Driver License	29723	R708-8	5YR	03/23/2007	2007-8/137
<u>libraries</u>					
Education, Administration	30090	R277-467	NEW	08/07/2007	2007-13/19
<u>license plates</u>					
Tax Commission, Motor Vehicle	29631	R873-22M	5YR	03/12/2007	2007-7/194
<u>licensing</u>					
Commerce, Administration	29927	R151-33	5YR	05/10/2007	2007-11/85
	30164	R151-33	NSC	07/05/2007	Not Printed
Commerce, Occupational and Professional Licensing	29586	R156-1	5YR	03/01/2007	2007-6/37
	29555	R156-1-102	NSC	03/09/2007	Not Printed
	30113	R156-3a	AMD	08/23/2007	2007-14/7
	29391	R156-9-302a	AMD	03/13/2007	2007-3/6
	29871	R156-16a	5YR	04/26/2007	2007-10/106
	29770	R156-17b	AMD	05/24/2007	2007-8/8
	29459	R156-24a	5YR	01/30/2007	2007-4/56
	29473	R156-26a	5YR	02/01/2007	2007-4/56
	29472	R156-28	5YR	02/01/2007	2007-4/57

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29696	R156-37	5YR	03/15/2007	2007-7/150
	29825	R156-40-302c	NSC	04/26/2007	Not Printed
	29353	R156-40a	NEW	02/22/2007	2007-2/9
	29471	R156-41	5YR	02/01/2007	2007-4/57
	29356	R156-42a	AMD	02/22/2007	2007-2/11
	29396	R156-54	5YR	01/09/2007	2007-3/56
	29120	R156-56	AMD	01/01/2007	2006-21/5
	29357	R156-56	NSC	01/01/2007	Not Printed
	29866	R156-56	AMD	07/01/2007	2007-10/10
	29393	R156-56	AMD	03/13/2007	2007-3/7
	29122	R156-56	AMD	01/01/2007	2006-21/33
	30132	R156-56	NSC	07/01/2007	Not Printed
	29863	R156-56	AMD	07/01/2007	2007-10/21
	29745	R156-56	5YR	03/29/2007	2007-8/119
	29078	R156-56-704	AMD	03/27/2007	2006-20/10
	29078	R156-56-704	CPR	03/27/2007	2007-4/48
	29865	R156-56-704	AMD	07/01/2007	2007-10/25
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
	29354	R156-57	AMD	02/22/2007	2007-2/12
	29915	R156-63	AMD	07/19/2007	2007-11/8
	29803	R156-64	5YR	04/09/2007	2007-9/33
	29564	R156-70a	5YR	02/27/2007	2007-6/38
	29394	R156-71	5YR	01/08/2007	2007-3/57
	29395	R156-72	5YR	01/09/2007	2007-3/57
	29735	R156-72-302c	NSC	04/12/2007	Not Printed
	29397	R156-75	5YR	01/09/2007	2007-3/58
	29905	R156-76	5YR	05/01/2007	2007-10/106
Commerce, Real Estate	29832	R162-1	5YR	04/18/2007	2007-10/107
	29738	R162-1-2	AMD	05/30/2007	2007-8/18
	29523	R162-102	5YR	02/15/2007	2007-5/24
	29711	R162-102	AMD	05/29/2007	2007-8/38
	29989	R162-102-3	NSC	06/11/2007	Not Printed
Environmental Quality, Radiation Control	29336	R313-36	AMD	03/16/2007	2007-1/15
Human Services, Administration, Administrative Services, Licensing	29874	R501-8	NSC	05/14/2007	Not Printed
Human Services, Juvenile Justice Services	29992	R547-1	5YR	05/30/2007	2007-12/64
	29990	R547-7	5YR	05/30/2007	2007-12/65
Natural Resources, Wildlife Resources	29636	R657-27	AMD	05/08/2007	2007-7/76
	29794	R657-27	5YR	04/04/2007	2007-9/45
	29920	R657-30	5YR	05/07/2007	2007-11/88
Public Safety, Driver License	29734	R708-25	5YR	03/26/2007	2007-8/138
	29741	R708-25	NSC	04/12/2007	Not Printed
Technology Services, Administration	29978	R895-3	5YR	05/29/2007	2007-12/68
<u>licensure</u>					
Education, Administration	29306	R277-512	NEW	01/23/2007	2006-24/9

<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>life insurance</u>					
Insurance, Administration	30042	R590-93	AMD	08/08/2007	2007-13/51
	29752	R590-93	AMD	05/29/2007	2007-8/84
<u>life insurance filings</u>					
Insurance, Administration	29969	R590-226	AMD	07/30/2007	2007-12/23
<u>life insurance mortality tables</u>					
Insurance, Administration	30082	R590-241	NEW	08/08/2007	2007-13/56
<u>liquefied petroleum gas</u>					
Public Safety, Fire Marshal	29423	R710-6	AMD	03/12/2007	2007-3/29
<u>loans</u>					
Education, Administration	30096	R277-487	REP	08/07/2007	2007-13/39
Environmental Quality, Drinking Water	29784	R309-700	5YR	04/02/2007	2007-8/127
	29785	R309-705	5YR	04/02/2007	2007-8/127
Natural Resources, Geological Survey	30159	R638-3	NEW	08/31/2007	2007-14/24
<u>long-term care ombudsman LCTO</u>					
Human Services, Aging and Adult Services	30351	R510-200	5YR	08/21/2007	Not Printed
<u>low quality ground water</u>					
Environmental Quality, Drinking Water	29775	R309-505	5YR	04/02/2007	2007-8/123
<u>MACT</u>					
Environmental Quality, Air Quality	29194	R307-214-2	AMD	02/09/2007	2006-23/10
<u>mammography</u>					
Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
<u>management</u>					
Natural Resources, Forestry, Fire and State Lands	29767	R652-40	5YR	04/02/2007	2007-8/134
	29763	R652-90	5YR	04/02/2007	2007-8/136
School and Institutional Trust Lands, Administration	30151	R850-40	5YR	06/27/2007	2007-14/56
	30325	R850-100	5YR	08/15/2007	2007-17/64
<u>marketing</u>					
Commerce, Consumer Protection	30119	R152-15	5YR	06/22/2007	2007-14/42
<u>materials handling</u>					
Natural Resources, Forestry, Fire and State Lands	29762	R652-100	5YR	04/02/2007	2007-8/136
<u>Medicaid</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29819	R414-1	5YR	04/16/2007	2007-9/36
	29960	R414-1A	5YR	05/21/2007	2007-12/62
	29868	R414-2A-7	AMD	06/26/2007	2007-10/32
	29869	R414-3A-6	AMD	06/26/2007	2007-10/33
	29441	R414-4A	5YR	01/26/2007	2007-4/60
	29442	R414-7C	5YR	01/26/2007	2007-4/60
	29435	R414-10	5YR	01/26/2007	2007-4/61

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>
	29493	R414-10A	5YR	02/02/2007	2007-5/27
	29629	R414-10A	AMD	05/15/2007	2007-7/48
	30005	R414-10A	AMD	07/23/2007	2007-12/10
	29816	R414-21	5YR	04/16/2007	2007-9/37
	29817	R414-38	5YR	04/16/2007	2007-9/37
	29466	R414-45	5YR	01/31/2007	2007-4/61
	29961	R414-60	5YR	05/21/2007	2007-12/63
	30117	R414-60	NSC	07/10/2007	Not Printed
	29807	R414-60A	NEW	07/19/2007	2007-9/21
	29808	R414-60B	CPR	08/14/2007	2007-12/51
	29808	R414-60B	NEW	08/14/2007	2007-9/23
	29674	R414-61-2	AMD	06/26/2007	2007-7/63
	29673	R414-61-2	AMD	05/15/2007	2007-7/64
	29966	R414-100	5YR	05/24/2007	2007-12/63
	29967	R414-200	5YR	05/24/2007	2007-12/64
	29977	R414-200-4	AMD	07/23/2007	2007-12/19
	29730	R414-300	REP	05/23/2007	2007-8/73
	29469	R414-308	AMD	04/01/2007	2007-4/22
	30081	R414-310	5YR	06/13/2007	2007-13/144
	29731	R414-310	AMD	05/23/2007	2007-8/74
	29380	R414-320	AMD	03/09/2007	2007-2/91
	29908	R414-401-3	AMD	07/01/2007	2007-10/35
	29907	R414-504	AMD	07/01/2007	2007-10/36
	29675	R414-507	REP	05/15/2007	2007-7/67
	29197	R414-510	NEW	01/17/2007	2006-23/66
Health, Health Care Financing, Medical Assistance Program	29909	R420-1	REP	07/01/2007	2007-10/40
Human Services, Recovery Services	29418	R527-201	5YR	01/16/2007	2007-3/62
<u>medical incinerator</u>					
Environmental Quality, Air Quality	29657	R307-222	5YR	03/15/2007	2007-7/157
<u>medical laboratories</u>					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	29861	R444-11	5YR	04/25/2007	2007-10/127
<u>medical malpractice</u>					
Commerce, Occupational and Professional Licensing	29804	R156-78A	5YR	04/09/2007	2007-9/34
<u>medical practitioner</u>					
Labor Commission, Industrial Accidents	30110	R612-2-27	NSC	07/11/2007	Not Printed
	29948	R612-2-27	AMD	07/10/2007	2007-11/71
<u>medical recommendations</u>					
Education, Administration	29936	R277-611	REP	07/09/2007	2007-11/24
<u>medical records</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	29434	R525-1	REP	04/02/2007	2007-4/27
<u>membrane technology</u>					
Environmental Quality, Drinking Water	29779	R309-530	5YR	04/02/2007	2007-8/125

<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>mental health</u> Human Services, Substance Abuse and Mental Health, State Hospital	29802	R525-8	AMD	06/15/2007	2007-9/24
<u>mercury</u> Environmental Quality, Air Quality	29230	R307-224	NEW	03/15/2007	2006-23/14
	29231	R307-424	CPR	05/09/2007	2007-7/137
	29231	R307-424	NEW	05/09/2007	2006-23/15
<u>migrant labor</u> Health, Epidemiology and Laboratory Services, Environmental Services	29870	R392-501	5YR	04/26/2007	2007-10/123
<u>migratory birds</u> Natural Resources, Wildlife Resources	30065	R657-9	AMD	08/07/2007	2007-13/88
<u>mineral resources</u> Tax Commission, Auditing	29707	R865-14W	5YR	03/19/2007	2007-8/146
<u>mines</u> Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29597	R643-870	5YR	03/07/2007	2007-7/170
	29598	R643-872	5YR	03/07/2007	2007-7/171
	29599	R643-874	5YR	03/07/2007	2007-7/171
	29600	R643-875	5YR	03/07/2007	2007-7/172
	29601	R643-877	5YR	03/07/2007	2007-7/172
	29602	R643-879	5YR	03/07/2007	2007-7/173
	29603	R643-882	5YR	03/07/2007	2007-7/173
	29604	R643-884	5YR	03/07/2007	2007-7/174
	29605	R643-886	5YR	03/07/2007	2007-7/174
<u>minimum sizing</u> Environmental Quality, Drinking Water	29776	R309-510	5YR	04/02/2007	2007-8/123
<u>minimum standards</u> Natural Resources, Forestry, Fire and State Lands	29170	R652-122-300	AMD	01/03/2007	2006-22/40
	29467	R652-122-300	NSC	02/13/2007	Not Printed
<u>mining</u> Labor Commission, Safety	29733	R616-1	R&R	05/23/2007	2007-8/88
<u>mining law</u> Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29601	R643-877	5YR	03/07/2007	2007-7/172
	29602	R643-879	5YR	03/07/2007	2007-7/173
<u>miscellaneous treatment</u> Environmental Quality, Drinking Water	29780	R309-535	5YR	04/02/2007	2007-8/125
<u>mobile homes</u> Health, Epidemiology and Laboratory Services, Environmental Services	29900	R392-402	5YR	04/30/2007	2007-10/123
<u>modeling</u> Environmental Quality, Air Quality	30189	R307-410	5YR	07/13/2007	2007-15/65

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>motels</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	30204	R392-502	5YR	07/18/2007	2007-16/69
<u>motor fuel</u>					
Tax Commission, Auditing	29628	R865-13G	5YR	03/09/2007	2007-7/190
<u>motor vehicles</u>					
Administrative Services, Fleet Operations	29939	R27-10	5YR	05/14/2007	2007-11/84
Commerce, Consumer Protection	29862	R152-20	5YR	04/26/2007	2007-10/105
	29412	R152-20-2	AMD	03/20/2007	2007-3/4
Environmental Quality, Air Quality	29797	R307-121	R&R	07/13/2007	2007-9/14
	30184	R307-121	5YR	07/13/2007	2007-15/62
	29321	R307-121	NSC	07/13/2007	Not Printed
	29660	R307-301	5YR	03/15/2007	2007-7/158
	29663	R307-320	5YR	03/15/2007	2007-7/160
	29002	R307-320	CPR	03/09/2007	2007-3/40
	29002	R307-320	AMD	03/09/2007	2006-19/32
	29007	R307-332	REP	01/16/2007	2006-19/46
Tax Commission, Motor Vehicle	29631	R873-22M	5YR	03/12/2007	2007-7/194
Tax Commission, Motor Vehicle Enforcement	29651	R877-23V	5YR	03/14/2007	2007-7/196
	29940	R877-23V-4	AMD	07/16/2007	2007-11/80
	29938	R877-23V-8	AMD	07/16/2007	2007-11/81
	29930	R877-23V-14	AMD	07/16/2007	2007-11/82
<u>motorcycles</u>					
Commerce, Administration	30195	R151-35	5YR	07/13/2007	2007-15/61
<u>municipal landfills</u>					
Environmental Quality, Air Quality	29656	R307-221	5YR	03/15/2007	2007-7/157
<u>municipal waste incinerator</u>					
Environmental Quality, Air Quality	29658	R307-223	5YR	03/15/2007	2007-7/158
<u>mutual funds</u>					
Commerce, Securities	30267	R164-15	5YR	07/30/2007	2007-16/62
<u>nail technicians</u>					
Commerce, Occupational and Professional Licensing	29432	R156-11a	AMD	03/27/2007	2007-4/9
	30158	R156-11a	AMD	08/21/2007	2007-14/10
	29810	R156-11a	5YR	04/12/2007	2007-9/33
	29013	R156-11a	AMD	01/11/2007	2006-19/5
	29013	R156-11a	CPR	01/11/2007	2006-23/87
<u>native population significant</u>					
Human Services, Aging and Adult Services	30348	R510-109	5YR	08/21/2007	Not Printed
<u>natural resource assessment</u>					
School and Institutional Trust Lands, Administration	30325	R850-100	5YR	08/15/2007	2007-17/64

<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>natural resources</u>					
Natural Resources, Forestry, Fire and State Lands	29767	R652-40	5YR	04/02/2007	2007-8/134
School and Institutional Trust Lands, Administration	30151	R850-40	5YR	06/27/2007	2007-14/56
<u>naturopathic physician</u>					
Commerce, Occupational and Professional Licensing	29394	R156-71	5YR	01/08/2007	2007-3/57
<u>naturopaths</u>					
Commerce, Occupational and Professional Licensing	29394	R156-71	5YR	01/08/2007	2007-3/57
<u>network interconnection</u>					
Public Service Commission, Administration	29428	R746-348	5YR	01/22/2007	2007-4/67
<u>new hire registry</u>					
Workforce Services, Unemployment Insurance	30106	R994-315-103	AMD	08/08/2007	2007-13/134
<u>new source review</u>					
Environmental Quality, Air Quality	29228	R307-210	AMD	03/15/2007	2006-23/8
<u>news agencies</u>					
Pardons (Board Of), Administration	30224	R671-302	5YR	07/25/2007	2007-16/77
<u>non-traditional</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29967	R414-200	5YR	05/24/2007	2007-12/64
	29977	R414-200-4	AMD	07/23/2007	2007-12/19
<u>nonattainment</u>					
Environmental Quality, Air Quality	30186	R307-403	5YR	07/13/2007	2007-15/63
<u>nonprofit organizations</u>					
Workforce Services, Unemployment Insurance	29697	R994-309	AMD	07/01/2007	2007-7/127
<u>notification</u>					
Natural Resources, Forestry, Fire and State Lands	29433	R652-140	NSC	01/23/2007	Not Printed
	29461	R652-140	NEW	03/26/2007	2007-4/37
<u>NSSC expenses mileage general</u>					
Human Services, Aging and Adult Services	30350	R510-111	5YR	08/21/2007	Not Printed
<u>nursing facility</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29908	R414-401-3	AMD	07/01/2007	2007-10/35
<u>nutrition</u>					
Health, Community and Family Health Services, WIC Services	29878	R406-100	5YR	04/27/2007	2007-10/124
	29879	R406-200	5YR	04/27/2007	2007-10/125
	29880	R406-201	5YR	04/27/2007	2007-10/126
	29876	R406-202	5YR	04/27/2007	2007-10/126
	29877	R406-301	5YR	04/27/2007	2007-10/127

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>occupational licensing</u>					
Commerce, Occupational and Professional Licensing	29586	R156-1	5YR	03/01/2007	2007-6/37
	29555	R156-1-102	NSC	03/09/2007	Not Printed
	29353	R156-40a	NEW	02/22/2007	2007-2/9
	29397	R156-75	5YR	01/09/2007	2007-3/58
Environmental Quality, Water Quality	29296	R317-11	AMD	01/26/2007	2006-24/26
Insurance, Administration	29813	R590-118	5YR	04/13/2007	2007-9/43
<u>occupational therapy</u>					
Commerce, Occupational and Professional Licensing	29356	R156-42a	AMD	02/22/2007	2007-2/11
<u>off road vehicles</u>					
Commerce, Administration	30195	R151-35	5YR	07/13/2007	2007-15/61
<u>offenders</u>					
Corrections, Administration	30040	R251-401	5YR	06/07/2007	2007-13/143
<u>offset</u>					
Environmental Quality, Air Quality	30186	R307-403	5YR	07/13/2007	2007-15/63
	30193	R307-420	5YR	07/13/2007	2007-15/67
	30194	R307-421	5YR	07/13/2007	2007-15/68
<u>oil and gas conservation</u>					
Natural Resources, Oil, Gas and Mining; Oil and Gas	29621	R649-8	5YR	03/07/2007	2007-7/182
<u>oil and gas law</u>					
Natural Resources, Oil, Gas and Mining; Oil and Gas	29617	R649-1	5YR	03/07/2007	2007-7/180
	29618	R649-2	5YR	03/07/2007	2007-7/181
	29619	R649-3	5YR	03/07/2007	2007-7/181
	29620	R649-5	5YR	03/07/2007	2007-7/182
	29622	R649-9	5YR	03/07/2007	2007-7/183
<u>Olympics</u>					
Public Safety, Administration	29787	R698-100	5YR	04/02/2007	2007-8/136
	29331	R698-100	NSC	04/02/2007	Not Printed
	29728	R698-100	REP	05/23/2007	2007-8/109
<u>online</u>					
Education, Administration	29306	R277-512	NEW	01/23/2007	2006-24/9
<u>opening and closing dates</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30124	R195-2	5YR	06/22/2007	2007-14/44
	29982	R195-2	NSC	06/22/2007	Not Printed
<u>operating permits</u>					
Environmental Quality, Air Quality	30191	R307-415	5YR	07/13/2007	2007-15/66
	30192	R307-417	5YR	07/13/2007	2007-15/67
<u>operation and maintenance</u>					
Environmental Quality, Drinking Water	29642	R309-520	5YR	03/13/2007	2007-7/169

<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>operation and maintenance requirements</u>					
Environmental Quality, Drinking Water	29774	R309-500	5YR	04/02/2007	2007-8/122
<u>optometrists</u>					
Commerce, Occupational and Professional Licensing	29871	R156-16a	5YR	04/26/2007	2007-10/106
<u>order to proceed</u>					
Public Service Commission, Administration	29376	R746-420	CPR	05/17/2007	2007-7/138
	30115	R746-420-2	AMD	08/28/2007	2007-14/29
	30114	R746-430	AMD	08/28/2007	2007-14/31
	29377	R746-430	CPR	05/17/2007	2007-7/145
	29377	R746-430	NEW	05/17/2007	2007-2/109
<u>overflow and drains</u>					
Environmental Quality, Drinking Water	29782	R309-545	5YR	04/02/2007	2007-8/126
<u>overpayments</u>					
Workforce Services, Unemployment Insurance	29688	R994-305	R&R	07/01/2007	2007-7/122
	29963	R994-406	5YR	05/22/2007	2007-12/71
<u>overtime</u>					
Human Resource Management, Administration	29889	R477-8	AMD	07/01/2007	2007-10/64
	30059	R477-8	5YR	06/09/2007	2007-13/148
<u>ozone</u>					
Environmental Quality, Air Quality	29662	R307-110	5YR	03/15/2007	2007-7/151
	29001	R307-110-13	AMD	03/09/2007	2006-19/30
	29001	R307-110-13	CPR	03/09/2007	2007-3/40
	29514	R307-110-20	AMD	05/02/2007	2007-5/13
	29801	R307-110-20	NSC	05/02/2007	Not Printed
	29293	R307-110-36	NSC	02/09/2007	Not Printed
	29227	R307-110-36	AMD	02/09/2007	2006-23/7
	29664	R307-325	5YR	03/15/2007	2007-7/160
	29003	R307-325	CPR	03/09/2007	2007-3/42
	29003	R307-325	AMD	03/09/2007	2006-19/35
	29006	R307-326	AMD	03/09/2007	2006-19/37
	29006	R307-326	CPR	03/09/2007	2007-3/43
	29665	R307-326	5YR	03/15/2007	2007-7/161
	29526	R307-326-1	NSC	03/09/2007	Not Printed
	29666	R307-327	5YR	03/15/2007	2007-7/163
	29004	R307-327	CPR	03/09/2007	2007-3/45
	29004	R307-327	AMD	03/09/2007	2006-19/40
	29005	R307-328	AMD	01/16/2007	2006-19/43
	29667	R307-328	5YR	03/15/2007	2007-7/164
	29150	R307-328-1	NSC	01/16/2007	Not Printed
	29007	R307-332	REP	01/16/2007	2006-19/46
	29008	R307-335	AMD	01/16/2007	2006-19/49
	29668	R307-335	5YR	03/15/2007	2007-7/165

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>
	29669	R307-340	5YR	03/15/2007	2007-7/165
	29009	R307-340	AMD	03/09/2007	2006-19/52
	29009	R307-340	CPR	03/09/2007	2007-3/46
	29151	R307-340-1	NSC	03/09/2007	Not Printed
	29671	R307-342	5YR	03/15/2007	2007-7/167
	29011	R307-342	AMD	01/16/2007	2006-19/60
	29672	R307-343	5YR	03/15/2007	2007-7/167
	29012	R307-343	AMD	03/09/2007	2006-19/63
	29012	R307-343	CPR	03/09/2007	2007-3/51
	29508	R307-343-6	NSC	03/09/2007	Not Printed
	30193	R307-420	5YR	07/13/2007	2007-15/67
<u>pardons</u>					
Pardons (Board Of), Administration	30215	R671-101	5YR	07/25/2007	2007-16/73
	30233	R671-315	5YR	07/25/2007	2007-16/80
<u>parking facilities</u>					
Regents (Board Of), University of Utah, Parking and Transportation Services	29532	R810-2	5YR	02/21/2007	2007-6/46
	29539	R810-5	5YR	02/22/2007	2007-6/46
	29537	R810-6	5YR	02/21/2007	2007-6/47
	29540	R810-9	5YR	02/22/2007	2007-6/47
	29541	R810-10	5YR	02/22/2007	2007-6/47
	29542	R810-11	5YR	02/22/2007	2007-6/48
<u>parks</u>					
Natural Resources, Parks and Recreation	30025	R651-201	AMD	08/07/2007	2007-13/69
	29806	R651-205-16	AMD	07/09/2007	2007-9/26
	30026	R651-206	AMD	08/07/2007	2007-13/70
	30027	R651-215	AMD	08/07/2007	2007-13/79
	30028	R651-217	AMD	08/07/2007	2007-13/81
	30029	R651-219-5	AMD	08/07/2007	2007-13/82
	30030	R651-221-1	AMD	08/07/2007	2007-13/82
	30247	R651-301	5YR	07/26/2007	2007-16/73
	29914	R651-611	AMD	07/09/2007	2007-11/73
	30156	R651-611-2	AMD	08/21/2007	2007-14/28
	29773	R651-611-4	AMD	05/22/2007	2007-8/90
	29163	R651-634-1	AMD	01/02/2007	2006-22/39
<u>parole</u>					
Human Services, Juvenile Justice Services	30032	R547-6	5YR	06/04/2007	2007-13/154
Pardons (Board Of), Administration	30216	R671-201	5YR	07/25/2007	2007-16/74
	30217	R671-202	5YR	07/25/2007	2007-16/75
	30219	R671-205	5YR	07/25/2007	2007-16/75
	30223	R671-301	5YR	07/25/2007	2007-16/77
	30225	R671-303	5YR	07/25/2007	2007-16/78
	30229	R671-308	5YR	07/25/2007	2007-16/79
	30230	R671-309	5YR	07/25/2007	2007-16/79
	30232	R671-310	5YR	07/25/2007	2007-16/80

<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>
	30231	R671-311	5YR	07/25/2007	2007-16/80
	30234	R671-316	5YR	07/25/2007	2007-16/81
	30235	R671-402	5YR	07/25/2007	2007-16/81
	30236	R671-405	5YR	07/25/2007	2007-16/82
<u>patient safety</u>					
Health, Administration	29538	R380-200	AMD	04/26/2007	2007-6/14
<u>payment determination</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30125	R195-3	5YR	06/22/2007	2007-14/44
	29983	R195-3	NSC	06/22/2007	Not Printed
<u>PCN</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29380	R414-320	AMD	03/09/2007	2007-2/91
<u>peace officer basic course</u>					
Public Safety, Peace Officer Standards and Training	29548	R728-401	5YR	02/26/2007	2007-6/67
	29552	R728-401	5YR	02/26/2007	2007-6/41
	29147	R728-401-3	AMD	01/20/2007	2006-22/45
<u>peace officers</u>					
Public Safety, Peace Officer Standards and Training	29374	R728-205-1	NSC	01/20/2007	Not Printed
	29196	R728-205-1	AMD	01/20/2007	2006-23/83
<u>pedestrians</u>					
Transportation, Operations, Traffic and Safety	30301	R920-5	5YR	08/10/2007	2007-17/66
<u>peer review</u>					
Commerce, Occupational and Professional Licensing	29473	R156-26a	5YR	02/01/2007	2007-4/56
<u>penalties</u>					
Environmental Quality, Air Quality	29654	R307-130	5YR	03/15/2007	2007-7/155
	29652	R307-130-4	AMD	07/13/2007	2007-7/19
Environmental Quality, Drinking Water	29360	R309-405-4	NSC	03/06/2007	Not Printed
Environmental Quality, Environmental Response and Remediation	29846	R311-208	5YR	04/18/2007	2007-10/118
	29575	R311-208	NSC	04/18/2007	Not Printed
<u>per diem allowances</u>					
Administrative Services, Finance	29910	R25-7	AMD	07/03/2007	2007-10/3
	29953	R25-7-6	AMD	08/01/2007	2007-12/6
<u>performance measurement</u>					
Health, Center for Health Data, Health Care Statistics	29792	R428-12	5YR	04/03/2007	2007-9/40
<u>performing arts</u>					
Community and Culture, Arts and Museums	30288	R207-1	5YR	08/03/2007	2007-17/56
Community and Culture, Fine Arts	29528	R207-1	NSC	03/08/2007	Not Printed
<u>permits</u>					
Environmental Quality, Air Quality	30185	R307-401	5YR	07/13/2007	2007-15/63

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>
	30188	R307-406	5YR	07/13/2007	2007-15/64
Environmental Quality, Drinking Water	29774	R309-500	5YR	04/02/2007	2007-8/122
Natural Resources, Forestry, Fire and State Lands	29765	R652-70	5YR	04/02/2007	2007-8/135
	29762	R652-100	5YR	04/02/2007	2007-8/136
Natural Resources, Wildlife Resources	29330	R657-42	AMD	02/07/2007	2007-1/37
	30076	R657-42	AMD	08/07/2007	2007-13/118
	29703	R657-50	NSC	04/12/2007	Not Printed
	29795	R657-50	5YR	04/04/2007	2007-9/45
<u>permitted vehicles</u>					
Transportation, Motor Carrier, Ports of Entry	30009	R912-9	AMD	07/27/2007	2007-12/42
<u>permitting authority</u>					
Environmental Quality, Air Quality	30192	R307-417	5YR	07/13/2007	2007-15/67
<u>personal property</u>					
Tax Commission, Property Tax	29630	R884-24P	5YR	03/12/2007	2007-7/197
	29223	R884-24P-19	AMD	01/12/2007	2006-23/83
	29928	R884-24P-68	AMD	07/16/2007	2007-11/83
<u>personnel management</u>					
Human Resource Management, Administration	30051	R477-1	5YR	06/09/2007	2007-13/144
	29882	R477-1	AMD	07/01/2007	2007-10/41
	30055	R477-5	5YR	06/09/2007	2007-13/147
	29886	R477-5	AMD	07/01/2007	2007-10/53
	30060	R477-6	5YR	06/09/2007	2007-13/148
	29887	R477-6	AMD	07/01/2007	2007-10/54
	29890	R477-9	AMD	07/01/2007	2007-10/68
	30052	R477-9	5YR	06/09/2007	2007-13/149
	30057	R477-13	5YR	06/09/2007	2007-13/152
	29896	R477-13-1	NSC	05/11/2007	Not Printed
	29893	R477-14	NSC	05/11/2007	Not Printed
<u>petroleum</u>					
Environmental Quality, Air Quality	29660	R307-301	5YR	03/15/2007	2007-7/158
	29666	R307-327	5YR	03/15/2007	2007-7/163
	29004	R307-327	CPR	03/09/2007	2007-3/45
	29004	R307-327	AMD	03/09/2007	2006-19/40
Environmental Quality, Environmental Response and Remediation	29567	R311-200	NSC	04/18/2007	Not Printed
	29838	R311-200	5YR	04/18/2007	2007-10/112
	29839	R311-201	5YR	04/18/2007	2007-10/113
	29568	R311-201	NSC	04/18/2007	Not Printed
	29840	R311-202	5YR	04/18/2007	2007-10/114
	29569	R311-202	NSC	04/18/2007	Not Printed
	29841	R311-203	5YR	04/18/2007	2007-10/114
	29570	R311-203	NSC	04/18/2007	Not Printed
	29842	R311-204	5YR	04/18/2007	2007-10/115

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	29571	R311-204	NSC	04/18/2007	Not Printed
	29572	R311-205	NSC	04/18/2007	Not Printed
	29843	R311-205	5YR	04/18/2007	2007-10/116
	29573	R311-206	NSC	04/18/2007	Not Printed
	29844	R311-206	5YR	04/18/2007	2007-10/116
	29574	R311-207	NSC	04/18/2007	Not Printed
	29845	R311-207	5YR	04/18/2007	2007-10/117
	29575	R311-208	NSC	04/18/2007	Not Printed
	29846	R311-208	5YR	04/18/2007	2007-10/118
	29576	R311-209	NSC	04/18/2007	Not Printed
	29847	R311-209	5YR	04/18/2007	2007-10/118
	29577	R311-210	NSC	04/18/2007	Not Printed
	29848	R311-210	5YR	04/18/2007	2007-10/119
	29578	R311-211	NSC	04/18/2007	Not Printed
	29849	R311-211	5YR	04/18/2007	2007-10/119
	29850	R311-212	5YR	04/18/2007	2007-10/120
	29579	R311-212	NSC	04/18/2007	Not Printed
Tax Commission, Auditing	29708	R865-15O	5YR	03/19/2007	2007-8/146
<u>petroleum hydrocarbons</u>					
Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
<u>petroleum industries</u>					
Tax Commission, Auditing	29708	R865-15O	5YR	03/19/2007	2007-8/146
<u>pharmacies</u>					
Commerce, Occupational and Professional Licensing	29770	R156-17b	AMD	05/24/2007	2007-8/8
<u>pharmacists</u>					
Commerce, Occupational and Professional Licensing	29770	R156-17b	AMD	05/24/2007	2007-8/8
<u>physical examinations</u>					
Public Safety, Driver License	29734	R708-25	5YR	03/26/2007	2007-8/138
	29741	R708-25	NSC	04/12/2007	Not Printed
<u>physical therapy</u>					
Commerce, Occupational and Professional Licensing	29459	R156-24a	5YR	01/30/2007	2007-4/56
<u>physically handicapped persons</u>					
Commerce, Administration	29903	R151-3	5YR	05/01/2007	2007-10/105
<u>physician assistants</u>					
Commerce, Occupational and Professional Licensing	29564	R156-70a	5YR	02/27/2007	2007-6/38
<u>physicians</u>					
Public Safety, Driver License	29633	R708-7	5YR	03/13/2007	2007-7/184
	29582	R708-7-10	AMD	04/23/2007	2007-6/29
<u>pilot/escort vehicles</u>					
Transportation, Motor Carrier, Ports of Entry	30009	R912-9	AMD	07/27/2007	2007-12/42

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>pipelines</u> Public Service Commission, Administration	29438	R746-409	AMD	03/27/2007	2007-4/38
<u>plan review</u> Environmental Quality, Drinking Water	29774	R309-500	5YR	04/02/2007	2007-8/122
<u>plots</u> Community and Culture, History	30202	R212-12	5YR	07/17/2007	2007-16/64
<u>PM10</u> Environmental Quality, Air Quality	29662	R307-110	5YR	03/15/2007	2007-7/151
	29001	R307-110-13	AMD	03/09/2007	2006-19/30
	29001	R307-110-13	CPR	03/09/2007	2007-3/40
	29514	R307-110-20	AMD	05/02/2007	2007-5/13
	29801	R307-110-20	NSC	05/02/2007	Not Printed
	29293	R307-110-36	NSC	02/09/2007	Not Printed
	29227	R307-110-36	AMD	02/09/2007	2006-23/7
	30194	R307-421	5YR	07/13/2007	2007-15/68
<u>PM2.5</u> Environmental Quality, Air Quality	29662	R307-110	5YR	03/15/2007	2007-7/151
	29001	R307-110-13	AMD	03/09/2007	2006-19/30
	29001	R307-110-13	CPR	03/09/2007	2007-3/40
	29514	R307-110-20	AMD	05/02/2007	2007-5/13
	29801	R307-110-20	NSC	05/02/2007	Not Printed
	29293	R307-110-36	NSC	02/09/2007	Not Printed
	29227	R307-110-36	AMD	02/09/2007	2006-23/7
	30194	R307-421	5YR	07/13/2007	2007-15/68
<u>point-system</u> Public Safety, Driver License	29590	R708-3	5YR	03/02/2007	2007-7/184
<u>police training</u> Public Safety, Peace Officer Standards and Training	29176	R728-402	AMD	01/20/2007	2006-22/47
	29553	R728-402	5YR	02/26/2007	2007-6/41
	30211	R728-411	5YR	07/23/2007	2007-16/82
	30196	R728-411	NSC	07/30/2007	Not Printed
<u>pools</u> Health, Epidemiology and Laboratory Services, Environmental Services	29720	R392-302	5YR	03/22/2007	2007-8/130
	29717	R392-302	AMD	05/31/2007	2007-8/55
<u>position classifications</u> Human Resource Management, Administration	30058	R477-3	5YR	06/09/2007	2007-13/146
	29884	R477-3	AMD	07/01/2007	2007-10/49
<u>post-conviction</u> Administrative Services, Finance	29424	R25-14	5YR	01/17/2007	2007-4/54

<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>postsecondary proprietary school</u> Commerce, Consumer Protection	30101	R152-34	5YR	06/15/2007	2007-13/142
	29710	R152-34	AMD	05/22/2007	2007-8/4
<u>powersport vehicles</u> Commerce, Administration	30195	R151-35	5YR	07/13/2007	2007-15/61
<u>prelitigation</u> Commerce, Occupational and Professional Licensing	29804	R156-78A	5YR	04/09/2007	2007-9/34
<u>preneed</u> Commerce, Occupational and Professional Licensing	29391	R156-9-302a	AMD	03/13/2007	2007-3/6
<u>prequalification</u> Transportation, Operations, Construction	29184	R916-2-3	AMD	01/03/2007	2006-22/53
<u>prescription drug plans</u> Insurance, Administration	29858	R590-235-3	NSC	05/14/2007	Not Printed
<u>press</u> Corrections, Administration	29531	R251-106-3	AMD	05/01/2007	2007-6/9
<u>pricing flexibility</u> Public Service Commission, Administration	29627	R746-351	5YR	03/09/2007	2007-7/187
<u>primary care</u> Health, Health Care Financing, Coverage and Reimbursement Policy	30081	R414-310	5YR	06/13/2007	2007-13/144
	29731	R414-310	AMD	05/23/2007	2007-8/74
<u>primary care network</u> Health, Health Care Financing, Coverage and Reimbursement Policy	29966	R414-100	5YR	05/24/2007	2007-12/63
	29730	R414-300	REP	05/23/2007	2007-8/73
<u>primary disinfectants</u> Environmental Quality, Drinking Water	29642	R309-520	5YR	03/13/2007	2007-7/169
<u>primary term</u> Natural Resources, Forestry, Fire and State Lands	29760	R652-20	5YR	04/02/2007	2007-8/133
	29468	R652-20-1600	AMD	03/26/2007	2007-4/36
<u>prison release</u> Pardons (Board Of), Administration	30219	R671-205	5YR	07/25/2007	2007-16/75
<u>prisons</u> Corrections, Administration	29531	R251-106-3	AMD	05/01/2007	2007-6/9
	29533	R251-107	AMD	05/01/2007	2007-6/11
	29464	R251-707	5YR	01/31/2007	2007-4/59
	29465	R251-710	5YR	01/31/2007	2007-4/59
<u>privacy law</u> Human Services, Recovery Services	29415	R527-5	5YR	01/16/2007	2007-3/60

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>private landowners</u>					
Natural Resources, Wildlife Resources	30078	R657-56	AMD	08/07/2007	2007-13/130
<u>private security officers</u>					
Commerce, Occupational and Professional Licensing	29915	R156-63	AMD	07/19/2007	2007-11/8
<u>procurement</u>					
Administrative Services, Facilities Construction and Management	29965	R23-1	5YR	05/24/2007	2007-12/59
<u>professional competency</u>					
Education, Administration	29477	R277-505	AMD	03/27/2007	2007-4/13
	29737	R277-505-5	NSC	04/12/2007	Not Printed
	29748	R277-519	5YR	03/29/2007	2007-8/122
Public Safety, Peace Officer Standards and Training	30211	R728-411	5YR	07/23/2007	2007-16/82
	30196	R728-411	NSC	07/30/2007	Not Printed
<u>professional education</u>					
Education, Administration	29747	R277-507	5YR	03/29/2007	2007-8/122
<u>professional engineers</u>					
Commerce, Occupational and Professional Licensing	29355	R156-22	AMD	02/22/2007	2007-2/3
<u>professional geologists</u>					
Commerce, Occupational and Professional Licensing	29905	R156-76	5YR	05/01/2007	2007-10/106
<u>professional land surveyors</u>					
Commerce, Occupational and Professional Licensing	29355	R156-22	AMD	02/22/2007	2007-2/3
<u>prohibited devices</u>					
Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/128
<u>prohibited items</u>					
Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/128
<u>prohibited items and devices</u>					
Human Services, Substance Abuse and Mental Health	29381	R523-1-2	AMD	02/26/2007	2007-2/97
	29245	R523-1-5	AMD	01/30/2007	2006-24/29
	29382	R523-1-11	AMD	02/26/2007	2007-2/99
	29383	R523-1-23	AMD	05/14/2007	2007-2/101
Human Services, Juvenile Justice Services	29992	R547-1	5YR	05/30/2007	2007-12/64
<u>property casualty insurance filing</u>					
Insurance, Administration	29949	R590-225	AMD	07/12/2007	2007-11/58
	29290	R590-225-6	AMD	01/22/2007	2006-24/32
<u>property tax</u>					
Tax Commission, Property Tax	29630	R884-24P	5YR	03/12/2007	2007-7/197
	29223	R884-24P-19	AMD	01/12/2007	2006-23/83
	29928	R884-24P-68	AMD	07/16/2007	2007-11/83

<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>PSD</u> Environmental Quality, Air Quality	30187	R307-405	5YR	07/13/2007	2007-15/64
<u>public access</u> Natural Resources, Wildlife Resources	30078	R657-56	AMD	08/07/2007	2007-13/130
<u>public assistance</u> Workforce Services, Employment Development	29588	R986-900-902	AMD	05/01/2007	2007-6/34
<u>public assistance programs</u> Health, Health Care Financing, Coverage and Reimbursement Policy	29469	R414-308	AMD	04/01/2007	2007-4/22
Human Services, Recovery Services	30356	R527-330	5YR	08/22/2007	Not Printed
<u>public buildings</u> Administrative Services, Facilities Construction and Management	29965	R23-1	5YR	05/24/2007	2007-12/59
	29964	R23-19	5YR	05/24/2007	2007-12/59
	29812	R23-19	R&R	06/07/2007	2007-9/3
Capitol Preservation Board (State), Administration	29952	R131-3	5YR	05/16/2007	2007-12/60
Public Safety, Fire Marshal	30043	R710-4	5YR	06/08/2007	2007-13/156
	29233	R710-4	AMD	01/09/2007	2006-23/72
	29683	R710-4-3	AMD	05/08/2007	2007-7/82
<u>public education</u> Education, Administration	29902	R277-437-1	NSC	05/01/2007	Not Printed
	30089	R277-462	AMD	08/07/2007	2007-13/16
	30177	R628-2	5YR	07/10/2007	2007-15/68
<u>public health</u> Health, Epidemiology and Laboratory Services, Environmental Services	29722	R392-100	5YR	03/22/2007	2007-8/129
	29799	R392-200	5YR	04/05/2007	2007-9/36
	29860	R392-300	5YR	04/24/2007	2007-10/121
	29899	R392-301	5YR	04/30/2007	2007-10/122
	29925	R392-400	5YR	05/08/2007	2007-11/85
	29901	R392-401	5YR	04/30/2007	2007-10/122
	29900	R392-402	5YR	04/30/2007	2007-10/123
	29870	R392-501	5YR	04/26/2007	2007-10/123
	30204	R392-502	5YR	07/18/2007	2007-16/69
	29856	R392-510	5YR	04/23/2007	2007-10/124
<u>public information</u> Administrative Services, Administration	29771	R13-2	5YR	04/02/2007	2007-8/119
	29772	R13-2	AMD	05/22/2007	2007-8/3
	30049	R477-2	5YR	06/09/2007	2007-13/145
	29883	R477-2	AMD	07/01/2007	2007-10/46
<u>public investments</u> Money Management Council, Administration	30177	R628-2	5YR	07/10/2007	2007-15/68
	29906	R628-15	AMD	06/21/2007	2007-10/79

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>
	29222	R628-17	NEW	01/09/2007	2006-23/68
<u>public meetings</u>					
Natural Resources, Forestry, Fire and State Lands	29763	R652-90	5YR	04/02/2007	2007-8/136
<u>public notification</u>					
Environmental Quality, Drinking Water	29367	R309-220	AMD	03/06/2007	2007-2/86
	29648	R309-220-15	AMD	05/14/2007	2007-7/46
<u>public petitions declaratory rulings</u>					
Public Safety, Peace Officer Standards and Training	29551	R728-101	5YR	02/26/2007	2007-6/40
<u>public records</u>					
Attorney General, Administration	30037	R105-2	5YR	06/05/2007	2007-13/142
	29524	R151-2	5YR	02/15/2007	2007-5/23
	29809	R305-1	5YR	04/12/2007	2007-9/34
	29867	R380-20	5YR	04/26/2007	2007-10/121
Natural Resources, Oil, Gas and Mining; Administration	29596	R642-100	5YR	03/07/2007	2007-7/170
Natural Resources, Parks and Recreation	30245	R651-102	5YR	07/26/2007	2007-16/72
Natural Resources, Forestry, Fire and State Lands	29766	R652-6	5YR	04/02/2007	2007-8/132
Natural Resources, Wildlife Resources	29916	R657-29	5YR	05/03/2007	2007-11/87
Public Safety, Administration	29385	R698-2	5YR	01/02/2007	2007-2/118
Regents (Board Of), College of Eastern Utah	30108	R767-1	5YR	06/19/2007	2007-14/52
School and Institutional Trust Lands, Administration	30148	R850-6	5YR	06/27/2007	2007-14/55
<u>public schools</u>					
Education, Administration	29496	R277-915	5YR	02/02/2007	2007-5/26
<u>public utilities</u>					
Public Service Commission, Administration	29626	R746-349	5YR	03/08/2007	2007-7/186
	29627	R746-351	5YR	03/09/2007	2007-7/187
	30107	R746-400	5YR	06/19/2007	2007-14/52
<u>pumps</u>					
Environmental Quality, Drinking Water	29781	R309-540	5YR	04/02/2007	2007-8/126
<u>qualifications for training</u>					
Public Safety, Peace Officer Standards and Training	29557	R728-403	5YR	02/26/2007	2007-6/42
<u>quality improvement</u>					
Health, Administration	29538	R380-200	AMD	04/26/2007	2007-6/14
<u>quality standards</u>					
Environmental Quality, Drinking Water	29371	R309-200	AMD	03/06/2007	2007-2/43
<u>rabbits</u>					
Natural Resources, Wildlife Resources	30064	R657-6	AMD	08/07/2007	2007-13/86
<u>racers</u>					
Transportation, Operations, Traffic and Safety	30300	R920-4	5YR	08/10/2007	2007-17/66

<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>RACT</u>					
Environmental Quality, Air Quality	29003	R307-325	CPR	03/09/2007	2007-3/42
	29003	R307-325	AMD	03/09/2007	2006-19/35
	29664	R307-325	5YR	03/15/2007	2007-7/160
<u>radiation</u>					
Environmental Quality, Radiation Control	29333	R313-25	AMD	03/16/2007	2007-1/9
<u>radioactive materials</u>					
Environmental Quality, Radiation Control	29336	R313-36	AMD	03/16/2007	2007-1/15
	29335	R313-70	AMD	03/16/2007	2007-1/17
<u>radioactive waste disposal</u>					
Environmental Quality, Radiation Control	29333	R313-25	AMD	03/16/2007	2007-1/9
<u>radioactive waste generator permit</u>					
Environmental Quality, Radiation Control	29332	R313-26	AMD	03/16/2007	2007-1/10
<u>radiology practical technicians</u>					
Commerce, Occupational and Professional Licensing	29396	R156-54	5YR	01/09/2007	2007-3/56
<u>radiology technologists</u>					
Commerce, Occupational and Professional Licensing	29396	R156-54	5YR	01/09/2007	2007-3/56
<u>railroads</u>					
Transportation, Operations, Traffic and Safety	30305	R920-51	5YR	08/13/2007	2007-17/68
<u>rally</u>					
Administrative Services, Facilities Construction and Management	29811	R23-20	NEW	06/07/2007	2007-9/11
<u>range management</u>					
Natural Resources, Forestry, Fire and State Lands	29764	R652-50	5YR	04/02/2007	2007-8/134
School and Institutional Trust Lands, Administration	30152	R850-50	5YR	06/27/2007	2007-14/57
<u>rates</u>					
Administrative Services, Fleet Operations, Surplus Property	29946	R28-7	5YR	05/15/2007	2007-11/84
Labor Commission, Industrial Accidents	29124	R612-4-2	AMD	01/01/2007	2006-21/49
Natural Resources, Forestry, Fire and State Lands	29761	R652-4	5YR	04/02/2007	2007-8/131
School and Institutional Trust Lands, Administration	30149	R850-4	5YR	06/27/2007	2007-14/54
Workforce Services, Unemployment Insurance	29687	R994-303	R&R	07/01/2007	2007-7/118
	29956	R994-303	5YR	05/17/2007	2007-12/69
	29743	R994-306-202	NSC	04/12/2007	Not Printed
<u>raw milk</u>					
Agriculture and Food, Regulatory Services	30100	R70-330	AMD	08/07/2007	2007-13/3
<u>reactivation process</u>					
Public Safety, Peace Officer Standards and Training	29561	R728-407	5YR	02/26/2007	2007-6/44

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>real estate</u>					
Financial Institutions, Banks	29972	R333-11	5YR	05/25/2007	2007-12/60
<u>real estate appraisals</u>					
Commerce, Real Estate	29828	R162-101	5YR	04/18/2007	2007-10/111
	29711	R162-102	AMD	05/29/2007	2007-8/38
	29523	R162-102	5YR	02/15/2007	2007-5/24
	29989	R162-102-3	NSC	06/11/2007	Not Printed
	29829	R162-103	5YR	04/18/2007	2007-10/111
	29522	R162-104	5YR	02/15/2007	2007-5/24
	29623	R162-104	AMD	05/29/2007	2007-7/4
	29521	R162-106	5YR	02/15/2007	2007-5/25
	29546	R162-106-5	AMD	04/25/2007	2007-6/6
	30197	R162-107	5YR	07/16/2007	2007-15/61
	29830	R162-109	5YR	04/18/2007	2007-10/112
<u>real estate business</u>					
Commerce, Real Estate	29832	R162-1	5YR	04/18/2007	2007-10/107
	29738	R162-1-2	AMD	05/30/2007	2007-8/18
	29831	R162-2	5YR	04/18/2007	2007-10/107
	29833	R162-3	5YR	04/18/2007	2007-10/108
	29736	R162-3-6	AMD	05/30/2007	2007-8/20
	29834	R162-4	5YR	04/18/2007	2007-10/108
	29827	R162-5	5YR	04/18/2007	2007-10/109
	30203	R162-5-1	NSC	08/14/2007	Not Printed
	29835	R162-6	5YR	04/18/2007	2007-10/109
	29769	R162-6-1	AMD	05/30/2007	2007-8/23
	29851	R162-7	5YR	04/19/2007	2007-10/110
	29740	R162-7-2	AMD	05/30/2007	2007-8/26
	29836	R162-8	5YR	04/18/2007	2007-10/110
	29719	R162-8	AMD	05/30/2007	2007-8/27
	29224	R162-9	AMD	01/17/2007	2006-23/3
<u>real estate investment</u>					
Financial Institutions, Banks	29972	R333-11	5YR	05/25/2007	2007-12/60
<u>reclamation</u>					
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29597	R643-870	5YR	03/07/2007	2007-7/170
	29598	R643-872	5YR	03/07/2007	2007-7/171
	29599	R643-874	5YR	03/07/2007	2007-7/171
	29600	R643-875	5YR	03/07/2007	2007-7/172
	29601	R643-877	5YR	03/07/2007	2007-7/172
	29602	R643-879	5YR	03/07/2007	2007-7/173
	29603	R643-882	5YR	03/07/2007	2007-7/173
	29604	R643-884	5YR	03/07/2007	2007-7/174
	29605	R643-886	5YR	03/07/2007	2007-7/174
Natural Resources, Oil, Gas and Mining; Coal	29606	R645-100	5YR	03/07/2007	2007-7/175

<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>
	29607	R645-103	5YR	03/07/2007	2007-7/175
	29608	R645-200	5YR	03/07/2007	2007-7/176
	29609	R645-201	5YR	03/07/2007	2007-7/176
	29610	R645-202	5YR	03/07/2007	2007-7/177
	29611	R645-203	5YR	03/07/2007	2007-7/177
	29612	R645-300	5YR	03/07/2007	2007-7/178
	29613	R645-301	5YR	03/07/2007	2007-7/178
	29614	R645-302	5YR	03/07/2007	2007-7/179
	29615	R645-303	5YR	03/07/2007	2007-7/179
	29616	R645-402	5YR	03/07/2007	2007-7/180
<u>records</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	29469	R414-308	AMD	04/01/2007	2007-4/22
Pardons (Board Of), Administration	30225	R671-303	5YR	07/25/2007	2007-16/78
	30138	R982-201	5YR	06/26/2007	2007-14/59
<u>records access</u>					
Attorney General, Administration	30037	R105-2	5YR	06/05/2007	2007-13/142
Regents (Board Of), College of Eastern Utah	30108	R767-1	5YR	06/19/2007	2007-14/52
<u>records appeal hearings</u>					
Administrative Services, Records Committee	29081	R35-2-2	AMD	01/05/2007	2006-20/2
<u>recreation</u>					
Natural Resources, Wildlife Resources	30070	R657-38	AMD	08/07/2007	2007-13/113
	29329	R657-38	AMD	02/07/2007	2007-1/35
<u>recreation areas</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	29860	R392-300	5YR	04/24/2007	2007-10/121
	29899	R392-301	5YR	04/30/2007	2007-10/122
	29901	R392-401	5YR	04/30/2007	2007-10/122
<u>recreation therapy</u>					
Commerce, Occupational and Professional Licensing	29825	R156-40-302c	NSC	04/26/2007	Not Printed
<u>recreational therapy</u>					
Commerce, Occupational and Professional Licensing	29825	R156-40-302c	NSC	04/26/2007	Not Printed
<u>refinery</u>					
Environmental Quality, Air Quality	29665	R307-326	5YR	03/15/2007	2007-7/161
	29006	R307-326	AMD	03/09/2007	2006-19/37
	29006	R307-326	CPR	03/09/2007	2007-3/43
	29526	R307-326-1	NSC	03/09/2007	Not Printed
<u>registration</u>					
Commerce, Consumer Protection	30101	R152-34	5YR	06/15/2007	2007-13/142
	29710	R152-34	AMD	05/22/2007	2007-8/4
Environmental Quality, Radiation Control	29335	R313-70	AMD	03/16/2007	2007-1/17
Natural Resources, Forestry, Fire and State Lands	29433	R652-140	NSC	01/23/2007	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>
	29461	R652-140	NEW	03/26/2007	2007-4/37
Workforce Services, Unemployment Insurance	30141	R994-403	5YR	06/26/2007	2007-14/60
<u>regulated contaminants</u>					
Environmental Quality, Drinking Water	29371	R309-200	AMD	03/06/2007	2007-2/43
<u>Rehabilitation Act 1973</u>					
Human Services, Administration	29498	R495-878	5YR	02/05/2007	2007-5/28
<u>reimbursement</u>					
Transportation, Administration	29182	R907-66	AMD	01/03/2007	2006-22/50
<u>religious activities</u>					
Tax Commission, Auditing	29641	R865-19S	5YR	03/13/2007	2007-7/191
	30137	R865-19S-38	AMD	08/21/2007	2007-14/36
	29942	R865-19S-58	AMD	07/16/2007	2007-11/78
<u>repair</u>					
Administrative Services, Fleet Operations	29534	R27-8	5YR	02/21/2007	2007-6/36
<u>reporting</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	29979	R388-803	5YR	05/29/2007	2007-12/61
Health, Health Systems Improvement, Emergency Medical Services	30205	R426-5	5YR	07/18/2007	2007-16/70
Natural Resources, Oil, Gas and Mining; Oil and Gas	29621	R649-8	5YR	03/07/2007	2007-7/182
<u>reports</u>					
Education, Administration	30095	R277-484	AMD	08/07/2007	2007-13/36
	30107	R746-400	5YR	06/19/2007	2007-14/52
<u>reptiles</u>					
Natural Resources, Wildlife Resources	29751	R657-53	AMD	05/22/2007	2007-8/92
<u>request for proposals</u>					
School and Institutional Trust Lands, Administration	30150	R850-30	5YR	06/27/2007	2007-14/56
<u>research funding</u>					
Science Technology and Research Governing Auth., Administration	29298	R856-1	NEW	04/04/2007	2006-24/35
	29375	R856-1-6	AMD	04/04/2007	2007-2/113
<u>residency requirements</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30124	R195-2	5YR	06/22/2007	2007-14/44
	29982	R195-2	NSC	06/22/2007	Not Printed
Natural Resources, Forestry, Fire and State Lands	29758	R652-3	5YR	04/02/2007	2007-8/131
School and Institutional Trust Lands, Administration	30146	R850-3	5YR	06/27/2007	2007-14/54
<u>residential mortgage loan origination</u>					
Commerce, Real Estate	29237	R162-202	AMD	01/24/2007	2006-24/4
	29517	R162-202-1	AMD	04/10/2007	2007-5/4
	29545	R162-202-5	AMD	05/01/2007	2007-6/7

<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>
	29516	R162-203	AMD	04/10/2007	2007-5/4
	29518	R162-206	REP	04/10/2007	2007-5/6
	29519	R162-207	AMD	04/10/2007	2007-5/7
	29544	R162-207-6	AMD	05/01/2007	2007-6/8
	29520	R162-208	AMD	04/10/2007	2007-5/10
	29429	R162-210-6	NSC	02/12/2007	Not Printed
<u>resorts</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	30204	R392-502	5YR	07/18/2007	2007-16/69
<u>resource decision</u>					
Public Service Commission, Administration	29378	R746-440	NEW	03/19/2007	2007-2/111
<u>respiratory care</u>					
Commerce, Occupational and Professional Licensing	29354	R156-57	AMD	02/22/2007	2007-2/12
<u>restaurants</u>					
Tax Commission, Auditing	29705	R865-12L	5YR	03/16/2007	2007-8/144
<u>retirement</u>					
Human Resource Management, Administration	30053	R477-12	5YR	06/09/2007	2007-13/152
	29892	R477-12	AMD	07/01/2007	2007-10/72
Public Safety, Peace Officer Standards and Training	29374	R728-205-1	NSC	01/20/2007	Not Printed
	29196	R728-205-1	AMD	01/20/2007	2006-23/83
<u>right-of-way</u>					
Natural Resources, Wildlife Resources	30036	R657-28	NSC	08/14/2007	Not Printed
	30084	R657-28	AMD	08/07/2007	2007-13/101
	30313	R657-28	5YR	08/14/2007	2007-17/63
Transportation, Program Development	29358	R926-6	AMD	02/22/2007	2007-2/114
<u>risk management</u>					
Administrative Services, Risk Management	30046	R37-1	5YR	06/08/2007	2007-13/140
	30047	R37-2	5YR	06/08/2007	2007-13/140
	30048	R37-3	5YR	06/08/2007	2007-13/141
<u>roads</u>					
Transportation, Program Development	29455	R926-4	NEW	03/26/2007	2007-4/43
<u>ropeways</u>					
Transportation, Operations, Traffic and Safety	30304	R920-50	5YR	08/13/2007	2007-17/67
	29340	R920-50-1	AMD	02/13/2007	2007-1/50
<u>royalties</u>					
Natural Resources, Forestry, Fire and State Lands	29760	R652-20	5YR	04/02/2007	2007-8/133
	29468	R652-20-1600	AMD	03/26/2007	2007-4/36
<u>rules and procedures</u>					
Health, Administration	30336	R380-1	5YR	08/20/2007	Not Printed
	30337	R380-5	5YR	08/20/2007	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>
Health, Epidemiology and Laboratory Services, Epidemiology	29742	R386-702	AMD	05/24/2007	2007-8/48
	29721	R386-702	5YR	03/22/2007	2007-8/128
Health, Community and Family Health Services, Immunization	29547	R396-100	AMD	05/07/2007	2007-6/19
Human Resource Management, Administration	29882	R477-1	AMD	07/01/2007	2007-10/41
	30051	R477-1	5YR	06/09/2007	2007-13/144
	30057	R477-13	5YR	06/09/2007	2007-13/152
	29896	R477-13-1	NSC	05/11/2007	Not Printed
	29583	R590-116	5YR	02/28/2007	2007-6/39
	29584	R590-117	5YR	02/28/2007	2007-6/40
Natural Resources, Wildlife Resources	29636	R657-27	AMD	05/08/2007	2007-7/76
	29794	R657-27	5YR	04/04/2007	2007-9/45
Public Safety, Driver License	29593	R708-2	5YR	03/02/2007	2007-7/184
Public Safety, Peace Officer Standards and Training	29562	R728-409	5YR	02/27/2007	2007-6/44
Public Service Commission, Administration	30107	R746-400	5YR	06/19/2007	2007-14/52
	29438	R746-409	AMD	03/27/2007	2007-4/38
	30145	R850-2	5YR	06/27/2007	2007-14/53
<u>rural oaa definition title III</u>					
Human Services, Aging and Adult Services	30347	R510-108	5YR	08/21/2007	Not Printed
<u>safety</u>					
Labor Commission, Occupational Safety and Health	29282	R614-1-4	AMD	01/23/2007	2006-24/33
	29857	R614-1-4	AMD	06/22/2007	2007-10/77
Labor Commission, Safety	29313	R616-2-3	AMD	02/08/2007	2007-1/24
	29527	R616-2-3	AMD	04/24/2007	2007-6/26
	29581	R616-2-3	AMD	04/24/2007	2007-6/25
Public Service Commission, Administration	29438	R746-409	AMD	03/27/2007	2007-4/38
Transportation, Motor Carrier	29338	R909-1-1	AMD	02/08/2007	2007-1/45
<u>safety regulation</u>					
Transportation, Operations, Traffic and Safety	30305	R920-51	5YR	08/13/2007	2007-17/68
<u>safety regulations</u>					
Transportation, Motor Carrier	29341	R909-19	AMD	02/08/2007	2007-1/46
	29339	R909-75	AMD	02/08/2007	2007-1/49
<u>salaries</u>					
Human Resource Management, Administration	30060	R477-6	5YR	06/09/2007	2007-13/148
	29887	R477-6	AMD	07/01/2007	2007-10/54
<u>salary adjustments</u>					
Education, Administration	30086	R277-110	NEW	08/07/2007	2007-13/11
<u>sales</u>					
School and Institutional Trust Lands, Administration	30154	R850-80	5YR	06/27/2007	2007-14/58
<u>sales tax</u>					
Tax Commission, Auditing	29644	R865-11Q	5YR	03/14/2007	2007-7/189

<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>
	29705	R865-12L	5YR	03/16/2007	2007-8/144
	29641	R865-19S	5YR	03/13/2007	2007-7/191
	30137	R865-19S-38	AMD	08/21/2007	2007-14/36
	29942	R865-19S-58	AMD	07/16/2007	2007-11/78
<u>salt</u>					
Natural Resources, Forestry, Fire and State Lands	29760	R652-20	5YR	04/02/2007	2007-8/133
	29468	R652-20-1600	AMD	03/26/2007	2007-4/36
<u>scholarships</u>					
Public Education Job Enhancement Program, Job Enhancement Committee	30099	R690-100	AMD	08/07/2007	2007-13/132
<u>school enrollment</u>					
Education, Administration	29690	R277-419	AMD	05/09/2007	2007-7/10
<u>schools</u>					
Environmental Quality, Air Quality	29659	R307-135	5YR	03/15/2007	2007-7/156
Health, Epidemiology and Laboratory Services, Environmental Services	29799	R392-200	5YR	04/05/2007	2007-9/36
Natural Resources, Geological Survey	30159	R638-3	NEW	08/31/2007	2007-14/24
Public Safety, Driver License	29593	R708-2	5YR	03/02/2007	2007-7/184
<u>screening</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	29980	R388-804	5YR	05/29/2007	2007-12/61
	29911	R388-804	AMD	07/16/2007	2007-11/27
<u>SCSEP employment senior title v</u>					
Human Services, Aging and Adult Services	30346	R510-107	5YR	08/21/2007	Not Printed
<u>SDWA</u>					
Environmental Quality, Drinking Water	29785	R309-705	5YR	04/02/2007	2007-8/127
<u>search and seizure</u>					
Corrections, Administration	29465	R251-710	5YR	01/31/2007	2007-4/59
<u>secondary disinfectants</u>					
Environmental Quality, Drinking Water	29642	R309-520	5YR	03/13/2007	2007-7/169
<u>securities</u>					
Commerce, Securities	30258	R164-1	5YR	07/30/2007	2007-16/57
	30259	R164-4	5YR	07/30/2007	2007-16/58
	30260	R164-5	5YR	07/30/2007	2007-16/58
	30255	R164-9	5YR	07/30/2007	2007-16/59
	30256	R164-10	5YR	07/30/2007	2007-16/60
	30254	R164-13	5YR	07/30/2007	2007-16/61
	30266	R164-14	5YR	07/30/2007	2007-16/62
	30267	R164-15	5YR	07/30/2007	2007-16/62
Financial Institutions, Administration	30237	R331-5	5YR	07/25/2007	2007-16/65
	29222	R628-17	NEW	01/09/2007	2006-23/68

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>securities regulation</u>					
Commerce, Securities	30258	R164-1	5YR	07/30/2007	2007-16/57
	30259	R164-4	5YR	07/30/2007	2007-16/58
	30260	R164-5	5YR	07/30/2007	2007-16/58
	30261	R164-6	5YR	07/30/2007	2007-16/59
	30255	R164-9	5YR	07/30/2007	2007-16/59
	30256	R164-10	5YR	07/30/2007	2007-16/60
	30257	R164-11	5YR	07/30/2007	2007-16/60
	30264	R164-12	5YR	07/30/2007	2007-16/61
	30254	R164-13	5YR	07/30/2007	2007-16/61
	30266	R164-14	5YR	07/30/2007	2007-16/62
	30267	R164-15	5YR	07/30/2007	2007-16/62
	30265	R164-18	5YR	07/30/2007	2007-16/62
	30262	R164-25	5YR	07/30/2007	2007-16/63
	30263	R164-26	5YR	07/30/2007	2007-16/63
Money Management Council, Administration	29906	R628-15	AMD	06/21/2007	2007-10/79
	29222	R628-17	NEW	01/09/2007	2006-23/68
<u>security</u>					
Public Safety, Administration	29787	R698-100	5YR	04/02/2007	2007-8/136
	29331	R698-100	NSC	04/02/2007	Not Printed
	29728	R698-100	REP	05/23/2007	2007-8/109
<u>security guards</u>					
Commerce, Occupational and Professional Licensing	29915	R156-63	AMD	07/19/2007	2007-11/8
<u>security measures</u>					
Corrections, Administration	29465	R251-710	5YR	01/31/2007	2007-4/59
<u>sedimentation</u>					
Environmental Quality, Drinking Water	29778	R309-525	5YR	04/02/2007	2007-8/124
<u>self administered services</u>					
Human Services, Services for People with Disabilities	29625	R539-5	AMD	05/11/2007	2007-7/70
<u>self-employment income</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	30125	R195-3	5YR	06/22/2007	2007-14/44
	29983	R195-3	NSC	06/22/2007	Not Printed
<u>sentencing</u>					
Pardons (Board Of), Administration	30236	R671-405	5YR	07/25/2007	2007-16/82
<u>sentinel event</u>					
Health, Administration	29538	R380-200	AMD	04/26/2007	2007-6/14
<u>server training</u>					
Human Services, Substance Abuse and Mental Health	28928	R523-23	CPR	01/30/2007	2006-24/43
	28928	R523-23	AMD	01/30/2007	2006-17/43
	30122	R523-23	5YR	06/22/2007	2007-14/49

<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>settlements</u>					
Labor Commission, Adjudication	30318	R602-2	5YR	08/15/2007	2007-17/62
	29957	R602-2-4	AMD	07/24/2007	2007-12/40
<u>significant energy resource</u>					
Public Service Commission, Administration	29376	R746-420	CPR	05/17/2007	2007-7/138
	29376	R746-420	NEW	05/17/2007	2007-2/102
	30115	R746-420-2	AMD	08/28/2007	2007-14/29
	30114	R746-430	AMD	08/28/2007	2007-14/31
	29377	R746-430	CPR	05/17/2007	2007-7/145
	29377	R746-430	NEW	05/17/2007	2007-2/109
<u>slow sand filtration</u>					
Environmental Quality, Drinking Water	29779	R309-530	5YR	04/02/2007	2007-8/125
<u>smoking</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	29856	R392-510	5YR	04/23/2007	2007-10/124
<u>snow</u>					
Transportation, Operations, Traffic and Safety	30303	R920-6	5YR	08/13/2007	2007-17/67
<u>snow removal</u>					
Transportation, Operations, Maintenance	30296	R918-3	5YR	08/09/2007	2007-17/64
<u>sobriety tests</u>					
Health, Epidemiology and Laboratory Services, Laboratory Services	29968	R438-12	NSC	06/12/2007	Not Printed
	29926	R438-12	5YR	05/08/2007	2007-11/86
<u>social services</u>					
Human Services, Child and Family Services	30289	R512-1	5YR	08/07/2007	2007-17/59
	30010	R512-300	EMR	06/01/2007	2007-12/55
<u>solicitation process</u>					
Public Service Commission, Administration	30115	R746-420-2	AMD	08/28/2007	2007-14/29
<u>solicitation</u>					
Public Service Commission, Administration	29376	R746-420	NEW	05/17/2007	2007-2/102
<u>solicitation process</u>					
Public Service Commission, Administration	29376	R746-420	CPR	05/17/2007	2007-7/138
<u>solicitations</u>					
Commerce, Consumer Protection	30120	R152-22	5YR	06/22/2007	2007-14/43
	29427	R152-22	AMD	04/02/2007	2007-4/8
<u>solid waste management</u>					
Environmental Quality, Solid and Hazardous Waste	29202	R315-301	AMD	02/01/2007	2006-23/17
	30163	R315-301-2	NSC	07/11/2007	Not Printed
	29509	R315-301-5	NSC	02/28/2007	Not Printed
	29203	R315-302	AMD	02/01/2007	2006-23/22
	29204	R315-303	AMD	02/01/2007	2006-23/28

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29754	R315-304	5YR	03/30/2007	2007-8/128
	29205	R315-304	AMD	02/01/2007	2006-23/33
	29566	R315-305-4	NSC	03/09/2007	Not Printed
	29206	R315-305-4	AMD	02/01/2007	2006-23/35
	29207	R315-306-2	AMD	02/01/2007	2006-23/37
	29208	R315-308	AMD	02/01/2007	2006-23/38
	29716	R315-308-2	NSC	04/12/2007	Not Printed
	29209	R315-309	AMD	02/01/2007	2006-23/43
	29210	R315-310	AMD	02/01/2007	2006-23/46
	29211	R315-311	AMD	02/01/2007	2006-23/50
	29511	R315-311-1	NSC	02/28/2007	Not Printed
	29212	R315-312	AMD	02/01/2007	2006-23/52
	29768	R315-312-3	NSC	04/12/2007	Not Printed
	29213	R315-313-2	AMD	02/01/2007	2006-23/54
	29214	R315-314-3	AMD	02/01/2007	2006-23/56
	29425	R315-315-2	NSC	02/13/2007	Not Printed
	29215	R315-316	AMD	02/01/2007	2006-23/58
	29216	R315-317	AMD	02/01/2007	2006-23/60
	29217	R315-318-1	AMD	02/01/2007	2006-23/61
	29218	R315-320	AMD	02/01/2007	2006-23/62
	29510	R315-320-4	NSC	02/28/2007	Not Printed
<u>solvent</u>					
Environmental Quality, Air Quality	29670	R307-341	5YR	03/15/2007	2007-7/166
	29010	R307-341	AMD	01/16/2007	2006-19/59
<u>solvent cleaning</u>					
Environmental Quality, Air Quality	29008	R307-335	AMD	01/16/2007	2006-19/49
	29668	R307-335	5YR	03/15/2007	2007-7/165
<u>source development</u>					
Environmental Quality, Drinking Water	29777	R309-515	5YR	04/02/2007	2007-8/124
<u>source maintenance</u>					
Environmental Quality, Drinking Water	29777	R309-515	5YR	04/02/2007	2007-8/124
<u>sovereign lands</u>					
Natural Resources, Forestry, Fire and State Lands	29765	R652-70	5YR	04/02/2007	2007-8/135
<u>spas</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	29720	R392-302	5YR	03/22/2007	2007-8/130
	29717	R392-302	AMD	05/31/2007	2007-8/55
<u>special events</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	29925	R392-400	5YR	05/08/2007	2007-11/85
<u>special fuel</u>					
Tax Commission, Auditing	29556	R865-4D	5YR	02/26/2007	2007-6/48

<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>special income group</u> Health, Health Care Financing, Coverage and Reimbursement Policy	29676	R414-307	NEW	05/15/2007	2007-7/65
<u>speech-language pathology</u> Commerce, Occupational and Professional Licensing	29471	R156-41	5YR	02/01/2007	2007-4/57
<u>sponsors</u> Corrections, Administration	29463	R251-306	5YR	01/31/2007	2007-4/58
<u>sportsmen</u> Natural Resources, Wildlife Resources	30071	R657-41	AMD	08/07/2007	2007-13/117
<u>spousal notification</u> Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	29979	R388-803	5YR	05/29/2007	2007-12/61
<u>stabilization</u> Environmental Quality, Drinking Water	29780	R309-535	5YR	04/02/2007	2007-8/125
<u>stack height</u> Environmental Quality, Air Quality	30189	R307-410	5YR	07/13/2007	2007-15/65
<u>STAR</u> Science Technology and Research Governing Auth., Administration	29298	R856-1	NEW	04/04/2007	2006-24/35
	29375	R856-1-6	AMD	04/04/2007	2007-2/113
	29299	R856-2	NEW	04/04/2007	2006-24/37
<u>state buildings</u> Capitol Preservation Board (State), Administration	29952	R131-3	5YR	05/16/2007	2007-12/60
<u>state employees</u> Administrative Services, Finance	29910	R25-7	AMD	07/03/2007	2007-10/3
	29953	R25-7-6	AMD	08/01/2007	2007-12/6
Human Resource Management, Administration	29886	R477-5	AMD	07/01/2007	2007-10/53
	30055	R477-5	5YR	06/09/2007	2007-13/147
<u>state fleet information system</u> Administrative Services, Fleet Operations	29457	R27-5	5YR	01/29/2007	2007-4/54
<u>state HEAT office records</u> Community and Culture, Home Energy Assistance Target (HEAT)	30130	R195-7	5YR	06/25/2007	2007-14/46
	29987	R195-7	NSC	06/25/2007	Not Printed
<u>state property</u> Administrative Services, Fleet Operations, Surplus Property	29550	R28-1	5YR	02/26/2007	2007-6/36
<u>state records committee</u> Administrative Services, Records Committee	29081	R35-2-2	AMD	01/05/2007	2006-20/2
<u>stationary sources</u> Environmental Quality, Air Quality	29228	R307-210	AMD	03/15/2007	2006-23/8

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>stipends</u>					
Education, Administration	29934	R277-603	AMD	07/09/2007	2007-11/21
<u>storage tanks</u>					
Environmental Quality, Drinking Water	29782	R309-545	5YR	04/02/2007	2007-8/126
<u>stoves</u>					
Environmental Quality, Air Quality	29798	R307-122	REP	07/13/2007	2007-9/17
	29322	R307-122	NSC	07/13/2007	Not Printed
<u>student eligibility</u>					
Workforce Services, Unemployment Insurance	30141	R994-403	5YR	06/26/2007	2007-14/60
<u>students</u>					
Education, Administration	29936	R277-611	REP	07/09/2007	2007-11/24
	30098	R277-713	AMD	08/07/2007	2007-13/47
<u>students at risk</u>					
Education, Administration	29931	R277-464	AMD	07/09/2007	2007-11/15
<u>substance abuse</u>					
Human Services, Substance Abuse and Mental Health	30038	R523-20	5YR	06/05/2007	2007-13/153
	29246	R523-20-2	AMD	01/30/2007	2006-24/31
	28928	R523-23	CPR	01/30/2007	2006-24/43
	28928	R523-23	AMD	01/30/2007	2006-17/43
	30122	R523-23	5YR	06/22/2007	2007-14/49
<u>supervision</u>					
Corrections, Administration	30040	R251-401	5YR	06/07/2007	2007-13/143
<u>supplies</u>					
Education, Administration	29691	R277-459	AMD	05/09/2007	2007-7/12
	30088	R277-459	AMD	08/07/2007	2007-13/14
<u>supported employment</u>					
Human Services, Services for People with Disabilities	30116	R539-9	EMR	07/01/2007	2007-14/39
<u>surface coating</u>					
Environmental Quality, Air Quality	29009	R307-340	CPR	03/09/2007	2007-3/46
	29669	R307-340	5YR	03/15/2007	2007-7/165
	29009	R307-340	AMD	03/09/2007	2006-19/52
	29151	R307-340-1	NSC	03/09/2007	Not Printed
<u>surface water treatment</u>					
Environmental Quality, Drinking Water	29775	R309-505	5YR	04/02/2007	2007-8/123
<u>surface water treatment plant monitoring</u>					
Environmental Quality, Drinking Water	29366	R309-215	AMD	03/06/2007	2007-2/63
	29645	R309-215	AMD	05/14/2007	2007-7/34
<u>surveyors</u>					
Commerce, Occupational and Professional Licensing	29355	R156-22	AMD	02/22/2007	2007-2/3

<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>surveys</u>					
Environmental Quality, Radiation Control	29310	R313-35	NSC	03/05/2007	Not Printed
	29595	R313-35	5YR	03/05/2007	2007-7/169
	29336	R313-36	AMD	03/16/2007	2007-1/15
Natural Resources, Forestry, Fire and State Lands	29767	R652-40	5YR	04/02/2007	2007-8/134
School and Institutional Trust Lands, Administration	30151	R850-40	5YR	06/27/2007	2007-14/56
<u>suspensions</u>					
Natural Resources, Wildlife Resources	30077	R657-26	AMD	08/07/2007	2007-13/98
<u>system</u>					
Public Safety, Fire Marshal	30007	R710-7	5YR	05/31/2007	2007-12/67
<u>tax exemptions</u>					
Environmental Quality, Air Quality	29327	R307-120	AMD	03/09/2007	2007-1/7
	29653	R307-120	5YR	03/15/2007	2007-7/155
	29797	R307-121	R&R	07/13/2007	2007-9/14
	30184	R307-121	5YR	07/13/2007	2007-15/62
	29321	R307-121	NSC	07/13/2007	Not Printed
	29798	R307-122	REP	07/13/2007	2007-9/17
	29322	R307-122	NSC	07/13/2007	Not Printed
	29326	R317-12	NEW	03/09/2007	2007-1/21
Environmental Quality, Water Quality	29641	R865-19S	5YR	03/13/2007	2007-7/191
	30137	R865-19S-38	AMD	08/21/2007	2007-14/36
	29942	R865-19S-58	AMD	07/16/2007	2007-11/78
Tax Commission, Auditing	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
Tax Commission, Auditing	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
	29314	R865-9I-52	AMD	02/12/2007	2007-1/44
	29436	R865-9I-53	AMD	04/16/2007	2007-4/41
<u>taxation</u>					
Tax Commission, Administration	29713	R861-1A	5YR	03/20/2007	2007-8/139
	29324	R861-1A-19	AMD	02/12/2007	2007-1/41
	29941	R861-1A-41	AMD	07/16/2007	2007-11/76
Tax Commission, Auditing	29714	R865-3C	5YR	03/21/2007	2007-8/142
	29556	R865-4D	5YR	02/26/2007	2007-6/48
	29624	R865-6F	5YR	03/08/2007	2007-7/187
	29323	R865-6F-30	AMD	02/12/2007	2007-1/41
	29437	R865-6F-37	AMD	04/16/2007	2007-4/40
	29705	R865-12L	5YR	03/16/2007	2007-8/144
	29628	R865-13G	5YR	03/09/2007	2007-7/190
	29707	R865-14W	5YR	03/19/2007	2007-8/146
	29708	R865-15O	5YR	03/19/2007	2007-8/146
29709	R865-20T	5YR	03/19/2007	2007-8/147	

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>
	29943	R865-20T-2	AMD	07/16/2007	2007-11/79
	29929	R865-20T-6	NSC	05/31/2007	Not Printed
	29325	R865-20T-12	AMD	02/12/2007	2007-1/45
	29643	R865-20T-12	NSC	03/29/2007	Not Printed
Tax Commission, Motor Vehicle	29631	R873-22M	5YR	03/12/2007	2007-7/194
Tax Commission, Motor Vehicle Enforcement	29651	R877-23V	5YR	03/14/2007	2007-7/196
	29940	R877-23V-4	AMD	07/16/2007	2007-11/80
	29938	R877-23V-8	AMD	07/16/2007	2007-11/81
	29930	R877-23V-14	AMD	07/16/2007	2007-11/82
Tax Commission, Property Tax	29630	R884-24P	5YR	03/12/2007	2007-7/197
	29223	R884-24P-19	AMD	01/12/2007	2006-23/83
	29928	R884-24P-68	AMD	07/16/2007	2007-11/83
<u>taxes</u>					
Insurance, Administration	29684	R590-157	AMD	06/13/2007	2007-7/71
<u>teacher</u>					
Education, Administration	29305	R277-511	NEW	01/23/2007	2006-24/7
<u>teacher certification</u>					
Education, Administration	29477	R277-505	AMD	03/27/2007	2007-4/13
	29737	R277-505-5	NSC	04/12/2007	Not Printed
	29748	R277-519	5YR	03/29/2007	2007-8/122
Public Safety, Driver License	29729	R708-27	5YR	03/23/2007	2007-8/139
<u>teachers</u>					
Education, Administration	29691	R277-459	AMD	05/09/2007	2007-7/12
	30088	R277-459	AMD	08/07/2007	2007-13/14
	29749	R277-503	5YR	03/29/2007	2007-8/121
	29692	R277-503	AMD	05/09/2007	2007-7/14
<u>technology funding</u>					
Science Technology and Research Governing Auth., Administration	29298	R856-1	NEW	04/04/2007	2006-24/35
	29375	R856-1-6	AMD	04/04/2007	2007-2/113
<u>telecommunications</u>					
Public Service Commission, Administration	29428	R746-348	5YR	01/22/2007	2007-4/67
	29626	R746-349	5YR	03/08/2007	2007-7/186
	29627	R746-351	5YR	03/09/2007	2007-7/187
<u>telecommuting</u>					
Human Resource Management, Administration	30059	R477-8	5YR	06/09/2007	2007-13/148
	29889	R477-8	AMD	07/01/2007	2007-10/64
<u>telephone</u>					
Commerce, Consumer Protection	29379	R152-26	AMD	02/23/2007	2007-2/3
	29594	R152-26	5YR	03/05/2007	2007-7/149
<u>telephone utility regulation</u>					
Public Service Commission, Administration	29428	R746-348	5YR	01/22/2007	2007-4/67

<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>temporary mass gatherings</u> Health, Epidemiology and Laboratory Services, Environmental Services	29925	R392-400	5YR	05/08/2007	2007-11/85
<u>terminally ill</u> Natural Resources, Wildlife Resources	29920	R657-30	5YR	05/07/2007	2007-11/88
<u>time</u> Labor Commission, Adjudication	30317	R602-1	5YR	08/15/2007	2007-17/62
Labor Commission, Industrial Accidents	30320	R612-1	5YR	08/15/2007	2007-17/63
<u>tires</u> Transportation, Motor Carrier, Ports of Entry	29426	R912-76	5YR	01/19/2007	2007-4/68
Transportation, Operations, Traffic and Safety	30303	R920-6	5YR	08/13/2007	2007-17/67
<u>title escrow charges</u> Insurance, Title and Escrow Commission	29725	R592-4-5	NSC	04/12/2007	Not Printed
<u>title insurance</u> Insurance, Administration	30080	R590-153-6	AMD	08/08/2007	2007-13/53
<u>tobacco products</u> Tax Commission, Auditing	29709	R865-20T	5YR	03/19/2007	2007-8/147
	29943	R865-20T-2	AMD	07/16/2007	2007-11/79
	29929	R865-20T-6	NSC	05/31/2007	Not Printed
	29325	R865-20T-12	AMD	02/12/2007	2007-1/45
	29643	R865-20T-12	NSC	03/29/2007	Not Printed
<u>towing</u> Transportation, Motor Carrier	29341	R909-19	AMD	02/08/2007	2007-1/46
<u>traffic control</u> Transportation, Operations, Traffic and Safety	30002	R920-1	NSC	08/13/2007	Not Printed
	30306	R920-1	5YR	08/13/2007	2007-17/65
	30301	R920-5	5YR	08/10/2007	2007-17/66
<u>traffic safety</u> Transportation, Operations, Traffic and Safety	30301	R920-5	5YR	08/10/2007	2007-17/66
<u>traffic signs</u> Transportation, Operations, Traffic and Safety	30301	R920-5	5YR	08/10/2007	2007-17/66
<u>traffic violations</u> Public Safety, Driver License	29590	R708-3	5YR	03/02/2007	2007-7/184
<u>training programs</u> Human Resource Management, Administration	30050	R477-10	5YR	06/09/2007	2007-13/150
	29891	R477-10	AMD	07/01/2007	2007-10/70
Public Safety, Driver License	29727	R708-21	5YR	03/23/2007	2007-8/137
Workforce Services, Administration	30140	R982-601	5YR	06/26/2007	2007-14/60

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>tramsways</u> Transportation, Operations, Traffic and Safety	29340	R920-50-1	AMD	02/13/2007	2007-1/50
<u>tramway permits</u> Transportation, Operations, Traffic and Safety	30304	R920-50	5YR	08/13/2007	2007-17/67
	29340	R920-50-1	AMD	02/13/2007	2007-1/50
<u>tramways</u> Transportation, Operations, Traffic and Safety	30304	R920-50	5YR	08/13/2007	2007-17/67
<u>transfer</u> Technology Services, Administration	29978	R895-3	5YR	05/29/2007	2007-12/68
<u>transmission and distribution pipelines</u> Environmental Quality, Drinking Water	29783	R309-550	5YR	04/02/2007	2007-8/126
<u>transportation</u> Administrative Services, Finance	29910	R25-7	AMD	07/03/2007	2007-10/3
	29953	R25-7-6	AMD	08/01/2007	2007-12/6
Transportation, Administration	29182	R907-66	AMD	01/03/2007	2006-22/50
Transportation, Motor Carrier	29338	R909-1-1	AMD	02/08/2007	2007-1/45
Transportation, Program Development	29455	R926-4	NEW	03/26/2007	2007-4/43
	29358	R926-6	AMD	02/22/2007	2007-2/114
<u>transportation corridor preservation revolving loan fund</u> Transportation, Program Development	29358	R926-6	AMD	02/22/2007	2007-2/114
<u>transportation planning</u> Transportation, Program Development	29358	R926-6	AMD	02/22/2007	2007-2/114
<u>transportation safety</u> Transportation, Operations, Traffic and Safety	30304	R920-50	5YR	08/13/2007	2007-17/67
	29340	R920-50-1	AMD	02/13/2007	2007-1/50
<u>trauma</u> Health, Health Systems Improvement, Emergency Medical Services	30205	R426-5	5YR	07/18/2007	2007-16/70
<u>trees</u> Natural Resources, Forestry, Fire and State Lands	29800	R652-130	NSC	04/03/2007	Not Printed
<u>trip reduction</u> Environmental Quality, Air Quality	29002	R307-320	CPR	03/09/2007	2007-3/40
	29002	R307-320	AMD	03/09/2007	2006-19/32
	29663	R307-320	5YR	03/15/2007	2007-7/160
<u>trucking industries</u> Tax Commission, Auditing	29624	R865-6F	5YR	03/08/2007	2007-7/187
	29323	R865-6F-30	AMD	02/12/2007	2007-1/41
	29437	R865-6F-37	AMD	04/16/2007	2007-4/40

<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>trucks</u>					
Transportation, Motor Carrier	29338	R909-1-1	AMD	02/08/2007	2007-1/45
	29341	R909-19	AMD	02/08/2007	2007-1/46
Transportation, Motor Carrier, Ports of Entry	30009	R912-9	AMD	07/27/2007	2007-12/42
<u>trust land management</u>					
School and Institutional Trust Lands, Administration	30150	R850-30	5YR	06/27/2007	2007-14/56
<u>tuberculosis</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	29980	R388-804	5YR	05/29/2007	2007-12/61
	29911	R388-804	AMD	07/16/2007	2007-11/27
<u>UMAP</u>					
Health, Health Care Financing, Medical Assistance Program	29909	R420-1	REP	07/01/2007	2007-10/40
<u>underground storage tanks</u>					
Environmental Quality, Environmental Response and Remediation	29838	R311-200	5YR	04/18/2007	2007-10/112
	29567	R311-200	NSC	04/18/2007	Not Printed
	29839	R311-201	5YR	04/18/2007	2007-10/113
	29568	R311-201	NSC	04/18/2007	Not Printed
	29840	R311-202	5YR	04/18/2007	2007-10/114
	29569	R311-202	NSC	04/18/2007	Not Printed
	29841	R311-203	5YR	04/18/2007	2007-10/114
	29570	R311-203	NSC	04/18/2007	Not Printed
	29842	R311-204	5YR	04/18/2007	2007-10/115
	29571	R311-204	NSC	04/18/2007	Not Printed
	29572	R311-205	NSC	04/18/2007	Not Printed
	29843	R311-205	5YR	04/18/2007	2007-10/116
	29573	R311-206	NSC	04/18/2007	Not Printed
	29844	R311-206	5YR	04/18/2007	2007-10/116
	29574	R311-207	NSC	04/18/2007	Not Printed
	29845	R311-207	5YR	04/18/2007	2007-10/117
	29575	R311-208	NSC	04/18/2007	Not Printed
	29846	R311-208	5YR	04/18/2007	2007-10/118
	29576	R311-209	NSC	04/18/2007	Not Printed
	29847	R311-209	5YR	04/18/2007	2007-10/118
	29577	R311-210	NSC	04/18/2007	Not Printed
	29848	R311-210	5YR	04/18/2007	2007-10/119
	29578	R311-211	NSC	04/18/2007	Not Printed
	29849	R311-211	5YR	04/18/2007	2007-10/119
	29850	R311-212	5YR	04/18/2007	2007-10/120
	29579	R311-212	NSC	04/18/2007	Not Printed
	<u>unemployed workers</u>				
Workforce Services, Administration	30140	R982-601	5YR	06/26/2007	2007-14/60

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>unemployment compensation</u>					
Workforce Services, Unemployment Insurance	29954	R994-102	5YR	05/16/2007	2007-12/68
	29955	R994-106	5YR	05/17/2007	2007-12/69
	29678	R994-202	R&R	07/01/2007	2007-7/90
	29680	R994-204	R&R	07/01/2007	2007-7/96
	29681	R994-205	R&R	07/01/2007	2007-7/103
	29682	R994-206	R&R	07/01/2007	2007-7/107
	29685	R994-208	R&R	07/01/2007	2007-7/111
	29686	R994-302	R&R	07/01/2007	2007-7/115
	29687	R994-303	R&R	07/01/2007	2007-7/118
	29956	R994-303	5YR	05/17/2007	2007-12/69
	29688	R994-305	R&R	07/01/2007	2007-7/122
	29743	R994-306-202	NSC	04/12/2007	Not Printed
	29689	R994-308	R&R	07/01/2007	2007-7/125
	29697	R994-309	AMD	07/01/2007	2007-7/127
	29695	R994-310	R&R	07/01/2007	2007-7/128
	29698	R994-311	AMD	07/01/2007	2007-7/130
	29699	R994-312	AMD	07/01/2007	2007-7/132
	29959	R994-401	5YR	05/17/2007	2007-12/70
	29958	R994-402	5YR	05/17/2007	2007-12/70
	30141	R994-403	5YR	06/26/2007	2007-14/60
	29962	R994-404	5YR	05/22/2007	2007-12/71
	30142	R994-405	5YR	06/26/2007	2007-14/61
	29855	R994-405	AMD	08/08/2007	2007-10/88
	30104	R994-405-3	AMD	08/08/2007	2007-13/135
	29963	R994-406	5YR	05/22/2007	2007-12/71
<u>utilities</u>					
Public Service Commission, Administration	29377	R746-430	CPR	05/17/2007	2007-7/145
	29377	R746-430	NEW	05/17/2007	2007-2/109
	30114	R746-430	AMD	08/28/2007	2007-14/31
<u>utility</u>					
Public Service Commission, Administration	29376	R746-420	NEW	05/17/2007	2007-2/102
<u>vacations</u>					
Human Resource Management, Administration	30161	R477-7	5YR	06/29/2007	2007-14/47
	29888	R477-7	AMD	07/01/2007	2007-10/57
<u>vehicle maintenance</u>					
Administrative Services, Fleet Operations	29534	R27-8	5YR	02/21/2007	2007-6/36
<u>vehicle replacement</u>					
Administrative Services, Fleet Operations	30212	R27-4	5YR	07/25/2007	2007-16/57
<u>vendor approval</u>					
Administrative Services, Fleet Operations	29534	R27-8	5YR	02/21/2007	2007-6/36

<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>ventilation</u> Health, Epidemiology and Laboratory Services, Environmental Services	29856	R392-510	5YR	04/23/2007	2007-10/124
<u>veterinarians</u> Environmental Quality, Radiation Control	29310	R313-35	NSC	03/05/2007	Not Printed
	29595	R313-35	5YR	03/05/2007	2007-7/169
<u>veterinary medicine</u> Commerce, Occupational and Professional Licensing	29472	R156-28	5YR	02/01/2007	2007-4/57
<u>victim compensation</u> Crime Victim Reparations, Administration	29753	R270-1	AMD	05/22/2007	2007-8/41
	29220	R270-1-26	AMD	01/10/2007	2006-23/6
<u>victims of crimes</u> Crime Victim Reparations, Administration	29753	R270-1	AMD	05/22/2007	2007-8/41
	29220	R270-1-26	AMD	01/10/2007	2006-23/6
	30218	R671-203	5YR	07/25/2007	2007-16/75
<u>violations</u> Natural Resources, Wildlife Resources	30077	R657-26	AMD	08/07/2007	2007-13/98
<u>visibility</u> Environmental Quality, Air Quality	30188	R307-406	5YR	07/13/2007	2007-15/64
<u>visitation</u> Corrections, Administration	29462	R251-305	5YR	01/31/2007	2007-4/58
<u>wages</u> Workforce Services, Unemployment Insurance	29685	R994-208	R&R	07/01/2007	2007-7/111
<u>waiver of basic training</u> Public Safety, Peace Officer Standards and Training	29561	R728-407	5YR	02/26/2007	2007-6/44
<u>waivers</u> Health, Health Care Financing, Coverage and Reimbursement Policy	29676	R414-307	NEW	05/15/2007	2007-7/65
<u>waste disposal</u> Environmental Quality, Solid and Hazardous Waste	29202	R315-301	AMD	02/01/2007	2006-23/17
	30163	R315-301-2	NSC	07/11/2007	Not Printed
	29509	R315-301-5	NSC	02/28/2007	Not Printed
	29203	R315-302	AMD	02/01/2007	2006-23/22
	29204	R315-303	AMD	02/01/2007	2006-23/28
	29754	R315-304	5YR	03/30/2007	2007-8/128
	29205	R315-304	AMD	02/01/2007	2006-23/33
	29566	R315-305-4	NSC	03/09/2007	Not Printed
	29206	R315-305-4	AMD	02/01/2007	2006-23/35
	29207	R315-306-2	AMD	02/01/2007	2006-23/37
	29208	R315-308	AMD	02/01/2007	2006-23/38
	29716	R315-308-2	NSC	04/12/2007	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29209	R315-309	AMD	02/01/2007	2006-23/43
	29210	R315-310	AMD	02/01/2007	2006-23/46
	29211	R315-311	AMD	02/01/2007	2006-23/50
	29511	R315-311-1	NSC	02/28/2007	Not Printed
	29212	R315-312	AMD	02/01/2007	2006-23/52
	29768	R315-312-3	NSC	04/12/2007	Not Printed
	29213	R315-313-2	AMD	02/01/2007	2006-23/54
	29214	R315-314-3	AMD	02/01/2007	2006-23/56
	29425	R315-315-2	NSC	02/13/2007	Not Printed
	29215	R315-316	AMD	02/01/2007	2006-23/58
	29216	R315-317	AMD	02/01/2007	2006-23/60
	29217	R315-318-1	AMD	02/01/2007	2006-23/61
	29218	R315-320	AMD	02/01/2007	2006-23/62
	29510	R315-320-4	NSC	02/28/2007	Not Printed
Environmental Quality, Water Quality	29186	R317-1-2	AMD	01/19/2007	2006-22/21
	29098	R317-1-7	AMD	01/19/2007	2006-20/54
<u>waste to energy plant</u>					
Environmental Quality, Air Quality	29658	R307-223	5YR	03/15/2007	2007-7/158
<u>waste water</u>					
Environmental Quality, Water Quality	29296	R317-11	AMD	01/26/2007	2006-24/26
<u>water conservation</u>					
Environmental Quality, Drinking Water	29776	R309-510	5YR	04/02/2007	2007-8/123
<u>water hauling</u>					
Environmental Quality, Drinking Water	29783	R309-550	5YR	04/02/2007	2007-8/126
<u>water policy</u>					
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29602	R643-879	5YR	03/07/2007	2007-7/173
<u>water pollution</u>					
Environmental Quality, Water Quality	29186	R317-1-2	AMD	01/19/2007	2006-22/21
	29098	R317-1-7	AMD	01/19/2007	2006-20/54
<u>water pollution equipment</u>					
Environmental Quality, Water Quality	29326	R317-12	NEW	03/09/2007	2007-1/21
<u>water quality</u>					
Environmental Quality, Drinking Water	29368	R309-225	AMD	03/06/2007	2007-2/89
	29650	R309-225	NSC	03/29/2007	Not Printed
Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
	29185	R317-6-6	AMD	01/19/2007	2006-22/23
<u>water rights procedures</u>					
Natural Resources, Water Rights	30181	R655-2	5YR	07/12/2007	2007-15/69
<u>water slides</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	29720	R392-302	5YR	03/22/2007	2007-8/130
	29717	R392-302	AMD	05/31/2007	2007-8/55

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>water system rating</u> Environmental Quality, Drinking Water	29363	R309-150	AMD	03/06/2007	2007-2/31
<u>waterfowl</u> Natural Resources, Wildlife Resources	30065	R657-9	AMD	08/07/2007	2007-13/88
<u>watershed management</u> Environmental Quality, Drinking Water	29646	R309-105	AMD	05/14/2007	2007-7/20
	29369	R309-105	AMD	03/06/2007	2007-2/15
	29036	R309-105-9	AMD	01/01/2007	2006-19/68
<u>weapons</u> Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/128
<u>wild turkey</u> Natural Resources, Wildlife Resources	30074	R657-54	AMD	08/07/2007	2007-13/125
<u>wildland urban interface</u> Natural Resources, Forestry, Fire and State Lands	29170	R652-122-300	AMD	01/03/2007	2006-22/40
	29467	R652-122-300	NSC	02/13/2007	Not Printed
<u>wildlife</u> Natural Resources, Wildlife Resources	29922	R657-2	5YR	05/07/2007	2007-11/86
	29996	R657-4	5YR	05/31/2007	2007-12/66
	30063	R657-5	AMD	08/07/2007	2007-13/84
	29351	R657-5	AMD	02/07/2007	2007-1/25
	29923	R657-5	AMD	07/09/2007	2007-11/75
	29502	R657-5-43	AMD	04/09/2007	2007-5/17
	30064	R657-6	AMD	08/07/2007	2007-13/86
	30065	R657-9	AMD	08/07/2007	2007-13/88
	30066	R657-10	AMD	08/07/2007	2007-13/90
	29637	R657-12	AMD	05/08/2007	2007-7/73
	30067	R657-13	AMD	08/07/2007	2007-13/93
	30068	R657-17	AMD	08/07/2007	2007-13/95
	29328	R657-17-3	AMD	02/07/2007	2007-1/34
	30083	R657-18	REP	08/07/2007	2007-13/97
	30035	R657-18	NSC	08/07/2007	Not Printed
	29401	R657-20	AMD	03/12/2007	2007-3/19
	29398	R657-20	5YR	01/10/2007	2007-3/66
	29921	R657-22	5YR	05/07/2007	2007-11/87
	29635	R657-22-3	AMD	05/08/2007	2007-7/75
	30077	R657-26	AMD	08/07/2007	2007-13/98
	29636	R657-27	AMD	05/08/2007	2007-7/76
	29794	R657-27	5YR	04/04/2007	2007-9/45
	30036	R657-28	NSC	08/14/2007	Not Printed
	30313	R657-28	5YR	08/14/2007	2007-17/63
	30084	R657-28	AMD	08/07/2007	2007-13/101
	29920	R657-30	5YR	05/07/2007	2007-11/88
	29402	R657-33	AMD	03/12/2007	2007-3/24

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>
	30069	R657-33	AMD	08/07/2007	2007-13/111
	29329	R657-38	AMD	02/07/2007	2007-1/35
	30070	R657-38	AMD	08/07/2007	2007-13/113
	30071	R657-41	AMD	08/07/2007	2007-13/117
	29201	R657-41-2	AMD	01/09/2007	2006-23/69
	29330	R657-42	AMD	02/07/2007	2007-1/37
	30076	R657-42	AMD	08/07/2007	2007-13/118
	29580	R657-43	NSC	03/13/2007	Not Printed
	29639	R657-43	5YR	03/13/2007	2007-7/183
	29704	R657-43	NSC	04/12/2007	Not Printed
	30072	R657-43	AMD	08/07/2007	2007-13/120
	30109	R657-44	5YR	06/20/2007	2007-14/51
	30073	R657-44	AMD	08/07/2007	2007-13/122
	29638	R657-44-6	AMD	05/08/2007	2007-7/79
	29349	R657-49	REP	02/07/2007	2007-1/39
	29165	R657-49	NSC	02/07/2007	Not Printed
	29703	R657-50	NSC	04/12/2007	Not Printed
	29795	R657-50	5YR	04/04/2007	2007-9/45
	29530	R657-51	REP	04/23/2007	2007-6/27
	29536	R657-51	NSC	04/23/2007	Not Printed
	29751	R657-53	AMD	05/22/2007	2007-8/92
	30074	R657-54	AMD	08/07/2007	2007-13/125
	30075	R657-55	AMD	08/07/2007	2007-13/128
	30078	R657-56	AMD	08/07/2007	2007-13/130
<u>wildlife conservation</u>					
Natural Resources, Wildlife Resources	29329	R657-38	AMD	02/07/2007	2007-1/35
	30070	R657-38	AMD	08/07/2007	2007-13/113
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	29637	R657-12	AMD	05/08/2007	2007-7/73
	30067	R657-13	AMD	08/07/2007	2007-13/93
	29921	R657-22	5YR	05/07/2007	2007-11/87
	29635	R657-22-3	AMD	05/08/2007	2007-7/75
	29636	R657-27	AMD	05/08/2007	2007-7/76
	29794	R657-27	5YR	04/04/2007	2007-9/45
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	30071	R657-41	AMD	08/07/2007	2007-13/117
	29201	R657-41-2	AMD	01/09/2007	2006-23/69
	29530	R657-51	REP	04/23/2007	2007-6/27
	29536	R657-51	NSC	04/23/2007	Not Printed
	30075	R657-55	AMD	08/07/2007	2007-13/128
<u>withholding tax</u>					
Tax Commission, Auditing	29707	R865-14W	5YR	03/19/2007	2007-8/146
<u>witness fees</u>					
Labor Commission, Adjudication	30317	R602-1	5YR	08/15/2007	2007-17/62

<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>women</u>					
Health, Community and Family Health Services, WIC Services	29878	R406-100	5YR	04/27/2007	2007-10/124
	29879	R406-200	5YR	04/27/2007	2007-10/125
	29880	R406-201	5YR	04/27/2007	2007-10/126
	29876	R406-202	5YR	04/27/2007	2007-10/126
	29877	R406-301	5YR	04/27/2007	2007-10/127
<u>wood</u>					
Natural Resources, Wildlife Resources	30083	R657-18	REP	08/07/2007	2007-13/97
	30035	R657-18	NSC	08/07/2007	Not Printed
<u>wood furniture</u>					
Environmental Quality, Air Quality	29012	R307-343	AMD	03/09/2007	2006-19/63
	29012	R307-343	CPR	03/09/2007	2007-3/51
	29672	R307-343	5YR	03/15/2007	2007-7/167
	29508	R307-343-6	NSC	03/09/2007	Not Printed
<u>work zone traffic control</u>					
Transportation, Operations, Traffic and Safety	30299	R920-3	5YR	08/10/2007	2007-17/65
<u>workers' compensation</u>					
Administrative Services, Risk Management	30047	R37-2	5YR	06/08/2007	2007-13/140
Labor Commission, Adjudication	30318	R602-2	5YR	08/15/2007	2007-17/62
	29957	R602-2-4	AMD	07/24/2007	2007-12/40
Labor Commission, Industrial Accidents	30320	R612-1	5YR	08/15/2007	2007-17/63
	30110	R612-2-27	NSC	07/11/2007	Not Printed
	29948	R612-2-27	AMD	07/10/2007	2007-11/71
	29124	R612-4-2	AMD	01/01/2007	2006-21/49
Workforce Services, Unemployment Insurance	29962	R994-404	5YR	05/22/2007	2007-12/71
<u>working toward employment</u>					
Workforce Services, Employment Development	29854	R986-400	AMD	07/01/2007	2007-10/85
	29976	R986-400	AMD	07/31/2007	2007-12/46
<u>x-rays</u>					
Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
	29310	R313-35	NSC	03/05/2007	Not Printed
	29595	R313-35	5YR	03/05/2007	2007-7/169
	29335	R313-70	AMD	03/16/2007	2007-1/17
<u>youth</u>					
Human Services, Administration, Administrative Services, Licensing	29874	R501-8	NSC	05/14/2007	Not Printed
<u>youth advocate</u>					
Human Services, Child and Family Services	29387	R512-10	5YR	01/03/2007	2007-3/58