

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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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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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 September 1, 2007, 12:00 a.m., and September 14, 2007, 11:59 p.m. are included in this, the October 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 Rules being repealed are completely struck out.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 31, 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 January 29, 2008, 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.

Agriculture and Food, Animal Industry
R58-10-3
Federal Regulations Adopted by
Reference

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 30450
 FILED: 09/14/2007, 14:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update the edition date of the incorporated CFR title.

SUMMARY OF THE RULE OR CHANGE: The change updates the edition date of 9 CFR 300, Parts 416, 417, 424, 430, 441, and 500 from the January 1, 2006, to the January 1, 2007 edition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-32-7

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 9 CFR 300, Parts 416, 417, 424, 430, 441, and 500, January 1, 2007, edition

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no anticipated cost to the state. The changes from the January 1, 2006, to the January 1, 2007, edition, were editorial changes to clarify different rule changes. Most rule changes will affect the way a state-inspected establishment does business. This will be checked as a part of the normal duties of a meat inspector.

❖ **LOCAL GOVERNMENTS:** There is no anticipated cost to local government. The changes from the January 1, 2006, to the January 1, 2007, edition, were editorial changes to clarify different rule changes. Most rule changes will affect the way a state-inspected establishment does business. This will be checked as a part of the normal duties of a meat inspector.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There is no anticipated costs associated to others. The changes from the January 1, 2006, to the January 1, 2007, edition, were editorial changes to clarify different rule changes. Most rule changes will affect the way a state-inspected establishment does business. The inspector will monitor and verify that the inspected establishment is following the updated regulations. This is a part of the normal duties of a meat inspector.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The two entities that would be effected would be Utah State Government, mainly the Utah Meat and Poultry Inspection Program, and the state-inspected meat establishment. The rule changes establish expanded regulations that a plant must operate under. The inspector would enforce the regulations within the scope of his job responsibilities. There is nothing that a plant has to purchase in order for them to operate under the new rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts on businesses. The update of the rule brings the state meat inspection program into compliance with and maintains our "equal to" status with the federal government. Leonard M. Blackham, Commissioner

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

AGRICULTURE AND FOOD
 ANIMAL INDUSTRY
 350 N REDWOOD RD
 SALT LAKE CITY UT 84116-3034, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kathleen Mathews or Terry Menlove at the above address, by phone at 801-538-7103 or 801-538-7166, by FAX at 801-538-7126 or 801-538-7169, or by Internet E-mail at kmathews@utah.gov or tmenlove@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 10/31/2007.

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

AUTHORIZED BY: Leonard M. Blackham, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-10. Meat and Poultry Inspection.

R58-10-3. Federal Regulations Adopted by Reference.

Accordingly, the Division adopts the meat and poultry inspection standards and procedures as specified in Title 9, Chapter III, Sub-Chapter A, Agency Organization and Terminology; Mandatory Meat and Poultry Products Inspection and Voluntary Inspection and Certification, Part 300 through 381; Sub-Chapter D, Food Safety and Inspection Service Administrative Provisions. Part 390 and 391, Sub Chapter E, Regulatory Requirements Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, Part 416, 417, 424, 430, 441, and 500. Code of Federal Regulations, Animal and Animal Products, 9 CFR 300 through 500, January 1, [2006]2007 edition, which is incorporated by reference within this rule.

KEY: food inspection

Date of Enactment or Last Substantive Amendment: [April 3, 2006]2007

Notice of Continuation: February 3, 2005

Authorizing, and Implemented or Interpreted Law: 4-32-7



Agriculture and Food, Animal Industry
R58-11
Slaughtering of Livestock

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30449

FILED: 09/14/2007, 14:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update Rule R58-11 to comply with the updated Food Safety Inspection Service (FSIS) regulations listed in 9 CFR 300, Parts 416, 417, 424, 434, 441, and 500; January 1, 2007, edition; and 9 CFR 301.2, 9 CFR 309.2, and 9 CFR 311.27, January 1, 2007, edition. The Utah Legislature has also adopted by reference FSIS Meat and Poultry Regulations.

SUMMARY OF THE RULE OR CHANGE: In the new rule changes listed in 9 CFR 309.2(a)(b), this rule eliminates the old emergency slaughter regulations that allowed the emergency slaughter of injured animals. Because of the new Bovine Spongiform Encephalitis (BSE) rule, nonambulatory animals cannot be slaughtered under any condition. Emergency slaughter is no longer an option for official plants, custom exempt plants, or tri-pod slaughter permittees. The age of the animal must be identified at the time of slaughter by all three slaughter individuals listed above.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 9 CFR 300, Parts 416, 417, 424, 434, 441, and 500, January 1, 2007, edition; and 9 CFR 301.2, 9 CFR 309.2, and 9 CFR 311.27, January 1, 2007, edition

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no added cost to state government. This regulation affects the slaughtering of animals by slaughter establishments: official, custom, and tri-pod. This is part of the inspector's duties and responsibilities to make sure nonambulatory animals are not slaughtered and the plant management is keeping track of the age of the beef at time of slaughter for BSE purposes.

❖ LOCAL GOVERNMENTS: There is no added costs to local governments. This regulation affects the slaughtering of animals by slaughter establishments: officials, custom, and tri-pod. This is part of the inspector's duties and responsibilities to make sure nonambulatory animals are not slaughtered and that plant management is keeping track of the age of the beef at time of slaughter for BSE purposes.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There will be a small cost savings to the plant owners. They will no longer be allowed to slaughter downer animals as a result of the increased food safety measures being initiated as a result of BSE incidents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The two entities that would be affected would be Utah State Government, mainly the Utah Meat and Poultry Inspection Program and the state-inspected meat establishments. The rule changes establish expanded regulations that a plant must operate under. The inspector would enforce the regulations within the scope of his job responsibilities. There is nothing that a plant has to purchase in order for them to operate under the new rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will not impose any additional cost to businesses and will improve our overall food safety by not allowing downer animals to enter into commerce.

This is a food safety and public health precautionary initiative and will maintain the state meat inspection program "equal to" status with federal government requirements. Leonard M. Blackham, Commissioner

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

AGRICULTURE AND FOOD
ANIMAL INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3034, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Terry Menlove, Kathleen Mathews, or Kyle Stephens at the above address, by phone at 801-538-7166, 801-538-7103, or 801-538-7102, by FAX at 801-538-7169, 801-538-7126, or 801-538-7126, or by Internet E-mail at tmenlove@utah.gov, kmathews@utah.gov, or kylestephens@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 10/31/2007.

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

AUTHORIZED BY: Leonard M. Blackham, Commissioner

R58. Agriculture and Food, Animal Industry.**R58-11. Slaughter of Livestock.****R58-11-2. Definitions.**

- A. "Department" - Utah Department of Agriculture and Food.
- B. "Commissioner" - Commissioner of Agriculture and Food or his representative.
- C. "Business" - An individual or organization receiving remuneration for services.
- D. "Food" - Product intended for human consumption.
- E. "Owner" - A person holding legal title to the animal.
- F. "Farm Custom Slaughtering" - The ~~killings~~slaughtering, skinning and preparing of livestock by humane means for the purpose of human consumption which is done at a place other than a licensed slaughtering house by a person who is not the owner of the animal. Unless express prior permission is given by a department representative the place of slaughter shall be on the animal's owner's property.
- G. "Permit" - Official written permission by the Utah Department of Agriculture and Food to do farm custom slaughtering.
- H. "Permittee" - A person who possesses a valid farm custom slaughtering permit.
- I. "Immediate Family" - Those living together in a single dwelling unit and/or their sons and daughters.
- J. "Property Owner" - A person having legal title to or who is a tenant operator, or lessee of such property.

K. "Adulterated" - As outlined in 9 C.F.R 301.2[(e)], 1 Through 8; 381.1 (4), January 1, [2004]2007 edition.

L. "Misbranded" - as outlined in 9 C.F.R. 301.2 [(ii)(1)(2)(6)(12)], Through 12, Sections 316.6 and 317.16; 381.1(31), January 1, [2004]2007 edition.

M. "Detain or Embargo" - Holding of a food or food product for legal verification of adulteration, misbranding or proof of ownership.

N. "Bill of Sale for Hides" - A hide release or some other formal means of transferring the title of hides.

O. "Emergency Slaughter" - Emergency Slaughter is no longer allowed even for ambulatory injured cattle, 9 Code of Federal Regulations 311.27 amended, 9 CFR January 1, 2007 edition 309.2(a)(b) Non-ambulatory disabled cattle are not allowed to enter any Federal, State, or Custom Exempt Facility. Cattle Prohibited From Slaughter: Non-ambulatory disabled cattle that cannot rise from a recumbent position or cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column or metabolic conditions. They are not allowed to enter any plant. [Slaughtering of injured animals without first having obtained a Custom Slaughter Release Permit from a Department Brand Inspector (providing the animal owner obtains a Custom Slaughter Release Permit and the Farm Custom Slaughter Tag from a Department Brand Inspector within two working days following such slaughter. Further, the permittee must notify the Division of Meat Inspection within two working days following such slaughter).]

P. "Custom Slaughter-Release Permit" - A permit that will serve as a brand inspection certificate and will allow animal owners to have their animals farm custom slaughtered. The brand inspection certificate will include the age of each beef slaughtered that is recorded on the brand certificate. The original copy will be retained by the brand inspector. Copies will accompany the farm custom slaughter tag. A copy will be sent to the Department by the permittee with the Farm Custom Slaughter Tags and a copy will serve as the bona fide bill of sale for the hide.

R58-11-3. Registration and Permit Issuance.

A. Farm Custom Slaughtering Permit.

1. Any person or person desiring to do farm custom slaughtering shall apply to the Department. Such application for a permit will be made on a department form for a Farm Custom Slaughter Permit. The form shall show the name, address and telephone number of the owner, the name, address and telephone number of the operator if it is different than the owner, a brief description of the vehicle and the license number. Permits will be valid for the calendar year (January 1 to December 31). Each permittee will be required to re-apply for a permit every calendar year. Change of ownership or change of vehicle license will require a new application to be filed with the Department.

2. Registration will not be recognized as complete until the applicant has demonstrated his ability to slaughter and has completed and signed the registration form.

3. A fee of [~~\$50~~]\$75 must be paid prior to permit issuance.

R58-11-4. Equipment and Sanitation Requirements.

A. Unit of vehicle and equipment used for farm custom slaughtering:

1. The unit or vehicle used for farm custom slaughtering shall be so constructed as to permit maintenance in a clean, sanitary manner.

2. A tripod or rail capable of lifting a carcass to a height which enables the carcass to clear the ground for bleeding and evisceration must be incorporated into the unit or vehicle. Hooks, gambles, or racks used to hoist and eviscerate animals shall be of easily cleanable metal construction.

3. Knives, scabbards, saws, etc. shall be of rust resistant metal or other impervious easily cleanable material.

a. A clean dust proof container shall be used to transport and store all instruments and utensils used in slaughtering animals.

4. A water tank shall be an integral part of the unit or vehicle. It shall be of approved construction with a minimum capacity of 40 gallons. Water systems must be maintained in a sanitary manner and only potable water shall be used.

5. A tank (for sanitizing) large enough to allow complete emersion of tools used for slaughtering must be filled during slaughter operations with potable water and maintained at a temperature of at least 180 degrees Fahrenheit. In lieu of 180 degrees Fahrenheit water, chemical sterilization may be ~~done~~used with an approved chemical agent after equipment has been thoroughly cleaned. Chloramine, hypochloride, and quaternary ammonium compounds or other approved chemical compounds may be used for this purpose and a concentration must be maintained at sufficient levels to disinfect utensils. Hot water, cleaning agents, and disinfectant shall be available at all times if chemicals are used in lieu of 180 degrees Fahrenheit water.

6. Cleaning agents and paper towels shall be available so hands and equipment may be cleaned as needed.

7. Aprons, frocks and other outer clothing worn by persons who handle meat must be clean and of material that is easily cleanable.

8. Approved denaturing agent shall be available for use during all processing times. Denaturing shall be accomplished as outlined in 9 C.F.R. 325.13, January 1, [2001]2007 edition.

9. When a permittee transports uninspected meat to an establishment for processing, he shall:

a. do so in a manner whereby product will not be adulterated or misbranded, and/or mislabeled; and

b. transport the meat in such a way that it is properly protected; and

c. deliver carcasses in such a way that they shall be placed under refrigeration within one hour of time of slaughter (40 degrees F).

10. Sanitation.

1. Unit or Vehicle.

a. The unit or vehicle must be thoroughly cleaned after each slaughter.

~~[b. Non-related items shall not be on or in the unit or vehicle at time of slaughter.~~

—]2. Equipment.

a. All knives, scabbards, saws and all other food contact surfaces shall be cleaned and sanitized prior to slaughter and as needed to prevent adulteration.

b. Equipment must be cleaned and sanitized after each slaughter and immediately before each slaughter.

3. Inedibles.

a. Inedibles shall be placed in designated containers and be properly denatured, and the inedible containers must be clearly marked (Inedible Not For Human Consumption in letters not less than 4 inches in height).

b. Containers for inedibles shall be kept clean and properly separated from edible carcasses to prevent adulteration.

4. Personal Cleanliness.

a. Adequate care shall be taken to prevent contamination of the carcasses from fecal material, ingesta, milk, perspiration, hair, cosmetics, medications and similar substances.

b. Outer clothing worn by permittee shall, while handling exposed carcasses, be clean.

c. No permittee with a communicable disease or who is a disease carrier or is infected with boils, infected wounds, sores or an acute respiratory infection shall participate in livestock slaughtering.

d. Hand wash facilities shall be used as needed to maintain good personal hygiene.

KEY: food inspection

Date of Enactment or Last Substantive Amendment: ~~December 3, 1996~~ 2007

Notice of Continuation: September 2, 2005

Authorizing, and Implemented or Interpreted Law: 4-32-8



Commerce, Occupational and
Professional Licensing
R156-59
Professional Employer Organization
Registration Act Rule

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 30438

FILED: 09/12/2007, 11:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The statute regarding professional employer organizations, Title 58, Chapter 59, was amended during the 2007 Legislative General Session in H.B. 29. This new rule is being proposed to designate which assurance organization is approved to certify the qualifications for granting a registration to a professional employer organization. (DAR NOTE: H.B. 29 (2007) is found at Chapter 134, Laws of Utah 2007, and was effective 04/30/2007.)

SUMMARY OF THE RULE OR CHANGE: The new rule provides the following sections: title, authority, organization/relationship to Rule R156-1, and qualifications for registration/designated assurance organization.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-59-101, and Subsections 58-1-106(1)(a), 58-59-302(2)(e)(i), and 58-59-302.5(1)

ANTICIPATED COST OR SAVINGS TO:

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

❖ LOCAL GOVERNMENTS: The proposed rule does not apply to local governments; therefore, no costs or savings are anticipated. The proposed rule only applies to professional employer organizations.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The proposed rule only applies to professional employer organizations and applicants for registration as a professional employer organization. It should be noted that a professional employer organization may qualify as a "small business". However, the division does not know how many employees may be employed in a registered professional employer organization. As a result of this proposed rule, the division does not anticipate any costs or savings beyond those previously addressed in the statute amendments made in H.B. 29.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule only applies to professional employer organizations and applicants for registration as a professional employer organization. As a result of this proposed rule, the division does not anticipate any costs or savings beyond those previously addressed in the statute amendments made in H.B. 29.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated with this rule filing beyond those addressed with the passage of the Professional Employer Organization Registration Act and its recent amendments in H.B. 29. Francine A. Giani, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/15/2007 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475 (fourth floor), Salt Lake City, UT.

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

AUTHORIZED BY: F. David Stanley, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-59. Professional Employer Organization Registration Act
Rule.**

R156-59-101. Title.

This rule shall be known as the "Professional Employer Organization Registration Act Rule."

R156-59-103. Authority.

This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 59.

R156-59-104. Organization - Relationship to Rule R156-1.

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

R156-59-301. Qualifications for Registration - Designated Assurance Organization.

(1) The qualifications certified by an assurance organization are as set forth in Subsections 58-59-302.5(2) and (3). No additional qualifications are established by rule.

(2) The Employer Services Assurance Corporation (ESAC) meets the requirements set forth in Subsection 58-59-302.5.

**KEY: professional employer organization, registration
Date of Enactment of Last Substantive Amendment: 2007
Authorizing, and Implemented or Interpreted Law: 58-1-
106(1)(a); 58-59-101; 58-59-302(2)(e)(i); 58-59-302.5(1)**

◆ ————— ◆
**Community and Culture, Housing and
Community Development**

R199-8

**Permanent Community Impact Fund
Board Review and Approval of
Applications for Funding Assistance**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30451

FILED: 09/14/2007, 15:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment realigns the Permanent Community Impact Fund Board's (CIB) three annual "Trimester" funding cycles from the current calendar year to the state's fiscal year.

The proposed rule also clarifies the actions the CIB may take during its review and approval of applications for funding assistance.

SUMMARY OF THE RULE OR CHANGE: Currently the CIB has three funding cycles during the calendar year: First Trimester, January through April; Second Trimester, May through August; and the third Trimester, September through December. The proposed rule would align the funding cycles

with the state's fiscal year: First Trimester, July through October; Second Trimester, November through February; and the Third Trimester, March through June. The proposed rule also explicitly states in rule the CIB's current procedures for reviewing and approving applications for funding assistance.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 9-4-305

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no additional costs resulting from the proposed amendment. The amendment realigns the program to the state's fiscal year.

❖ LOCAL GOVERNMENTS: There will be no additional costs resulting from the proposed amendment. The amendment realigns the program to the state's fiscal year.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There will be no additional costs to small business or individuals from the proposed amendment. Small businesses and individuals are not eligible for funding assistance from the CIB.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no cost of compliance associated with the proposed amendment.

The amendment realigns the program to the state's fiscal year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no impacts from the proposed amendment on businesses. Businesses are not eligible for financial assistance from the CIB. Palmer DePaulis, Executive Director

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

COMMUNITY AND CULTURE
HOUSING AND COMMUNITY DEVELOPMENT
Room 500
324 S STATE ST
SALT LAKE CITY UT 84111-2388, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Keith J Burnett at the above address, by phone at 801-538-8725, by FAX at 801-538-8725, or by Internet E-mail at kjburnett@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 11/09/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/04/2007 at 8:30 AM, Moab City Offices, 217 East Center, Moab, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2008

AUTHORIZED BY: Palmer DePaulis, Executive Director

R199. Community and Culture, Housing and Community Development.

R199-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance.

R199-8-2. Eligibility.

Only those applications for funding assistance which are submitted by an eligible applicant for an eligible project shall be funded by the Board.

Eligible projects include: a) planning; b) the construction and maintenance of public facilities; and c) the provision of public services. "Public Facilities and Services" means public infrastructure or services traditionally provided by local governmental entities.

Eligible applicants include state agencies and subdivisions of the state and Interlocal agencies as defined in Subsection 9-4-302~~(5)3~~, which are or may be socially or economically impacted, directly or indirectly, by mineral resource development.

R199-8-3. Application Requirements.

A. Applicants shall submit their funding requests on the Board's most current application form, furnished by the Department of Community and Culture (DCC). Applicants submitting incomplete applications will be notified of deficiencies and their request for funding assistance will be held by the Board's staff pending submission of the required information by the applicant.

Complete applications which have been accepted for processing will be placed ~~on the next available~~ one of the Trimester's upcoming "Application Review Meeting" agendas.

B. Additional general information not specifically covered by the application form should also be furnished to the Board and its staff when such information would be helpful to the Board in appraising the merits of the project.

C. For proposed drinking water and sewer projects, sufficient technical information must be provided to the Utah Department of Environmental Quality (DEQ) to permit their review. The Board will not act on any drinking water or sewer project unless they receive such review from DEQ.

D. Planning grants and studies normally require a fifty percent cash contribution by the applicant.

E. The Board requires all applicants to have a vigorous public participation effort. All applicants shall hold at least one formal public hearing to solicit comment concerning the size, scope and nature of any funding request prior to its submission to the Board. In that public hearing, the public shall be advised the financing may be in the form of a loan, even if the application requests a grant.

Complete and detailed information shall be given to the public regarding the proposed project and its financing. The information shall include the expected financial impact including potential repayment terms and the costs to the public as user fees, special assessments, or property taxes if the financing is in the form of a loan. The Board may require additional public hearings if determines the applicant did not adequately disclose to the public the impact of the financial assistance during the initial public hearing.

When the Board offers the applicant a financial package that is substantially different in the amounts, terms or conditions initially requested by an applicant, the Board may require additional public hearings to solicit public comment on the modified funding package.

A copy of the public notice and transcript or minutes of the hearing shall be attached to the funding request. Public opinion polls may be submitted in addition to the transcript or minutes.

F. Letters of comment outlining specific benefits (or problems) to the community and State may be submitted with the application.

G. All applicants are required to notify in writing the applicable Association of Governments of their intention to submit a funding request to the Board. A copy of any comments made by the Association of Governments shall be attached to the funding request. It is the intent of the Board to encourage regional review and prioritization of funding requests to help ensure the timely consideration of all worthwhile projects.

H. State statute requires the Board before it grants or loans any funds or approves any undertaking to take into account the effect of the undertaking on any district, site, building structure or specimen that is included in or eligible for inclusion in the National Register of Historic Places or the State Register and to allow the state historic preservation officer (SHPO) a reasonable opportunity to comment on the undertaking or expenditure. In order to comply with that duty, the Board requires all applicants to provide the SHPO with a description of the proposed project and attach the SHPO's comments to the application. The Board also requires that if during the construction of the project the applicant discovers any cultural/paleontological resources, the applicant shall cease project activities which may affect or impact the cultural/paleontological resource, notify the Board and the SHPO of the discovery, allow the Board to take into account the effects of the project on cultural/paleontological resources, and not proceed until further approval is given by the Board.

I. All applicants must provide evidence and arguments to the Board as to how the proposed funding assistance provides for planning, the construction and maintenance of public facilities or the provision of public services.

J. All applicants must demonstrate that the facilities or services provided will be available and open to the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector.

K. All applicants must demonstrate that any arrangement with a lessee of the proposed project will constitute a true lease, and not a disguised financing arrangement. The lessee must be required to pay a reasonable market rental for the use of the facility. In addition, the applicant shall have no arrangement with the lessee to sell the facility to the lessee, unless fair market value is received.

L. Each applicant must submit evidence and legal opinion that it has the authority to construct, own and lease the proposed project. In the case of a request for an interest bearing loan, the applicant must provide an opinion of nationally-recognized bond counsel that the interest will not be subject to federal income taxes.

M. All applicants shall certify to the Board that they will comply with the provisions of Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000e), as amended, which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on the basis of race, religion, color, or national origin; and further agree to abide by Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; 45 CFR 90, as amended, which prohibits discrimination on the basis of age; Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and 28 CFR 35, as amended, which prohibit discrimination on the basis of disabilities; Utah Anti-Discrimination Act, Section 34A-5-101 et seq., which prohibits discrimination against any employee or applicant for employment because of race, color, sex, age, religion, national origin, or handicap, and to certify compliance with the ADA to the Board on an annual basis and upon completion of the project.

R199-8-4. Board Review Procedures.

A. The Board will review applications and authorize funding assistance on a "Trimester" basis. The initial meetings of each

"Trimester" ~~shall be~~ are "Project Review Meetings". The final meeting of each "Trimester" ~~shall be a~~ is the "[~~Prioritization and~~]Project Funding Meeting". Board meetings shall be held monthly on the 1st Thursday of each month, unless rescheduled or cancelled by formal motion of the board. [~~"Prioritization and Funding Meetings" shall be held in April for the 1st Trimester, August for the 2nd Trimester and December for the 3rd Trimester.~~

~~—The deadlines for submitting applications for each of the Trimesters will no later than the following dates: 1st Trimester, December 1st; 2nd Trimester, April 1st; 3rd Trimester, August 1st.]The Trimesters shall be as follows:~~

1. 1st Trimester: application deadline, June 1st; Project Review Meetings, July, August, September; Project Funding Meeting October.

2. 2nd Trimester: application deadline, October 1st; Project Review Meetings, November, December, January; Project Funding Meeting, February.

3. 3rd Trimester: application deadline, February 1st; Project Review Meetings, March April, May; Project Funding Meeting, June.

B. The process for review of new applications for funding assistance shall be as follows:

1. Submission of an application, on or before the applicable deadline to the Board's staff for technical review and analysis.

2. Incomplete applications will be held by the Board's staff pending submission of required information.

3. Complete applications accepted for processing will be placed on ~~the next available~~ one of the Trimester's upcoming "Project Review Meeting" agendas.

4. At the "Project Review Meeting" the Board may either:

a. deny the application;

b. place the application on the "Pending List" for consideration at a future "Project Review Meeting" after additional review, options analysis and funding coordination by the applicant and the Board's staff;

c. place the application on the "[~~Prioritization~~]Priority List" for consideration at the next "[~~Prioritization and~~]Project Funding Meeting".

C. Applicants and their representatives shall be informed of any "Project Review Meeting" at which their applications will be considered. Applicants ~~may~~ shall make formal presentations to the Board and respond to the Board's questions during the "Project Review Meetings". If an applicant or its representatives are not present to make a presentation, the board may either:

1. deny the application;

2. place the application on the "Pending List" for consideration at a future "Project Review Meeting".

D. No funds shall be committed by the Board at the "Project Review Meetings", with the exception of ~~[bona fide emergencies]~~ circumstances described in Subsection F.

E. Applications for funding assistance which have been placed on the "[~~Prioritization~~]Priority List" will be considered at the "[~~Prioritization and~~]Project Funding Meeting" for that Trimester. ~~[Applications which do not receive funding authorization will be held over for reconsideration at the next "Prioritization and Funding Meeting". Applications which have not received funding authorization after reconsideration will be deemed denied.]~~ At the "Project Funding Meeting" the Board may either:

1. deny the application;

2. place the application on the "Pending List" for consideration at a future "Project Review Meeting".

3. authorize funding the application in the amount and terms as determined by the Board.

F. In instances of bona fide public safety or health emergencies or for other compelling reasons, the Board may suspend the provisions of this section and accept, process, review and authorize funding of an application on an expedited basis.

R199-8-5. Local Capital Improvement Lists.

A. A consolidated list of the anticipated capital needs for eligible entities shall be submitted from each county area, or in the case of state agencies, from DCC. This list shall be produced as a cooperative venture of all the eligible entities within each county area.

B. The list shall contain a short term (one year) and a medium term (five year) component.

C. The list shall contain the following items: jurisdiction, summary description, project time frame, anticipated time of submission to ~~[PCIFB]~~ the Board, projected overall cost of project, anticipated funding sources, the individual applicant's priority for their own projects, and the county area priority for each project. The county area priority for each project shall be developed as a cooperative venture of all eligible entities within a county area.

D. Projects not identified in a county area's or DCC's list, will not be funded by the ~~[PCIFB]~~ Board, unless they address a bona fide public safety or health emergency or for other compelling reasons.

E. An up-dated list shall be submitted to the Board no later than December 1st of each year. The up-dated list shall be submitted in the uniform format required by the Board.

F. If the consolidated list from a county area does not contain the information required in R[-]199-8-5-C, or is not in the uniform format required in R[-]199-8-5-E, all applications from the affected county area will be held by the Board's staff until ~~the next funding cycle~~ a future Trimester pending submission of the required information in the uniform format.

G. The Board has authorized its staff to hold any application that does not appear on the applicable local capital improvement list. Such applications will be held until ~~the next funding cycle~~ a future Trimester to allow the applicant time to pursue amending the local capital improvement list.

H. The amendment to include an additional project must follow the process used for the original list, and it must contain the required information and be submitted in the uniform format, particularly the applicant and county area prioritization.

I. The regional Association of Governments are the compilers of the capital improvement lists. The AOG cannot simply add additional applications to any given list without the applicant meeting the process requirements outlined in ~~[Item III-B, above]~~ Subsection C.

J. Notwithstanding ~~[Item III-C, above]~~ Subsection I, allowing an applicant to add a project to the capital improvement list just prior to the application deadline subverts the intent of the capital improvement list process. Such applications will be held by the Board's staff until the next ~~[funding cycle]~~ Trimester.

KEY: grants

Date of Enactment or Last Substantive Amendment: ~~[December 11, 2006]~~ January 1, 2008

Notice of Continuation: November 5, 2002

Authorizing, and Implemented or Interpreted Law: 9-4-305



Education, Administration
R277-473
 Testing Procedures

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 30447
 FILED: 09/14/2007, 12:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for a six-week window instead of a five-week window for student testing. The additional week will provide year-round schools and larger school districts an additional five school days to administer and return testing materials. The amendment also provides for Utah State Office of Education developed training materials to be used for the required annual training for assessment administration.

SUMMARY OF THE RULE OR CHANGE: The amended rule provides new definitions, changes the time period for administering and returning testing materials, and provides additional standardized testing rules and professional development requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-603(3) and 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget if an additional week is added to the testing window.
- ❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to school districts/schools in adjusting or lengthening the testing window. This provides greater flexibility for schools.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses and other persons other than businesses. This rule does not affect small businesses or other persons in any way except to provide schools/students more flexibility.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Individual students/parents may be benefited from this rule change, but there are no related costs.

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 10/31/2007.

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

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

R277. Education, Administration.

R277-473. Testing Procedures.

R277-473-1. Definitions.

A. "Advanced English Language Learner student" means the student understands and speaks conversational and academic English language. The student demonstrates reading comprehension and writing skills but may need continued support when engaged in complex academic tasks that require increasingly academic language. The student is identified at the A level on the UALPA but not proficiency on the English Language Arts (ELA) CRT.

[A]B. "Basic skills course" means those courses specified in Utah law for which CRT testing is required.

[B]C. "Board" means the Utah State Board of Education.

[C]D. "Criterion Reference Test (CRT)" means a test to measure performance against a specific standard. The meaning of the scores is not tied to the performance of other students.

[D]E. "CS" means the USOE Computer Services section.

[E]F. "Days" for purposes of this rule means calendar days unless specifically designated otherwise in this rule.

[F]G. "Direct Writing Assessment (DWA)" means a USOE-designated test to measure writing performance for students in grades six and nine.

H. "Emergent English Language Learner student" means the student understands and responds to basic social conventions, simple questions, simple directions, and appropriate level text. In general, the student speaks, reads, and writes using single phrases or sentences with support. The student may begin to use minimal academic vocabulary with support and participates in classroom routines. The student is identified at the E level on the UALPA.

I. "Intermediate English Language Learner student" means the student understands and speaks conversational and academic English with decreasing hesitancy and difficulty. The student is developing reading comprehension and writing skills, with support. The student's English literacy skills allow for demonstration of academic knowledge. The student reads and writes independently for personal and academic purposes, with some persistent errors. The student is identified at the I level on the UALPA.

[G]J. "Last day of school" means the last day classes are held in each school district/charter school.

[H]K. "Norm-reference Test (NRT)" means a test where the scores are based on comparisons with a nationally representative group of students in the same grade. The meaning of the scores is tied specifically to student performance relative to the performance of the students in the norm group under very specific testing conditions.

L. "Pre-Emergent English Language Learner student" means the student has limited or no understanding of oral or written English, therefore will be participating by listening. The student may demonstrate comprehension by using a few isolated words or expressions of speech. The student typically draws, copies, or responds verbally in his native language to simple commands, statements and questions. The student may begin to understand language in the realm of basic communication. Reading and writing is significantly below grade level. The student is identified at the P level on the UALPA.

[F]M. "Protected test materials" means consumable and nonconsumable test booklets, test questions (items), directions for administering the assessments and supplementary assessment materials (e.g., videotapes) designated as protected test materials by the USOE. Protected test materials shall be used for testing only and shall be secured where they can be accessed by authorized personnel only.

[F]N. "Raw test results" means number correct out of number possible, without scores being equated and scaled.

[K]Q. "Standardized tests" means tests required, consistent with Sections 53A-1-601 through 53A-1-611, to be administered to all students in identified subjects at the specified grade levels.

[H]P. "Utah Academic Proficiency Assessment (UALPA)" means a USOE-designated test to determine the academic proficiency and progress of English Language Learner students.

[M]Q. "Utah Alternative Assessment (UAA)" means a USOE-designated test to measure students with disabilities with severe cognitive disabilities.

[N]R. "Utah Basic Skills Competency Test (UBSCT)" means a USOE-designated test to be administered to Utah students beginning in the tenth grade to include components in reading, writing, and mathematics. Utah students shall satisfy the requirements of the UBSCT, in addition to state and school district/charter school graduation requirements, prior to receiving a high school diploma that indicates a passing score on all UBSCT subtests.

[O]S. "USOE" means the Utah State Office of Education.

R277-473-3. Time Periods for Administering and Returning Materials.

A. School districts/charter schools shall administer assessments required under Section 53A-1-603 according to the following schedule:

(1) All CRTs and UAAs (elementary and secondary, English language arts, math, science) shall be given in a ~~five~~^{six} week window beginning ~~five~~^{six} weeks before the last Monday of the end of the course.

(2) The Utah Basic Skills Competency Test shall be given Tuesday, Wednesday, and Thursday of the first week of February and Tuesday, Wednesday, and Thursday of the third week of October.

(3) Sixth and ninth grade Direct Writing Assessment shall be given in a three week window beginning at least 14 weeks prior to the last day of school.

(4) The UALPA shall be administered to all English Language Learner students identified as Pre-Emergent, Emergent, Intermediate and Advanced, or enrolled for the first time in the school district at any time during the school year. The test shall be administered once a year to show progress. The testing window is the school year.

B. School districts shall require that all schools within the school district or charter schools administer NRTs within the time period specified by the USOE and the publisher of the test.

C. School districts/charter schools shall submit all answer sheets for the CRT and NRT tests to the CS Section of the USOE for scanning and scoring as follows:

(1) School districts/charter schools shall return CRT, UAA and DWA answer sheets to the USOE no later than five working days after the last day of the testing window.

(2) School districts/charter schools shall return NRT answer sheets to the USOE no later than five working days after the last day of the testing time period specified by the publisher of the test.

(3) School districts/charter schools shall return UBSCT answer sheets to the USOE no later than three days after the final make-up day.

(4) School districts/charter schools shall return UALPA answer sheets to the USOE no later than May 15 for traditional schedule schools and June 15 for year-round schedule schools beginning with the 2007-08 school year.

D. When determining the date of testing, schools on trimester schedules shall schedule the testing at the point in the course where students have had approximately the same amount of instructional time as students on a regular schedule and provide the schedule to the USOE. Basic skills courses ending in the first trimester of the year shall be assessed with the previous year's form of the CRTs.

E. Makeup opportunities shall be provided to students for the Utah Basic Skills Competency Test according to the following:

(1) Students shall be allowed to participate in makeup tests if they ~~were not present for the entire~~^{did not participate to any degree} in the Utah Basic Skills Competency Test or subtest(s) of the Utah Basic Skills Competency Test.

(2) School districts/charter schools shall determine acceptable reasons for student makeup eligibility which may include absence due to serious illness, absence due to family emergency, or absence due to death of family member or close friend.

(3) School districts/charter schools shall provide a makeup window not to exceed five days immediately following the last day of each administration of the Utah Basic Skills Competency Test.

(4) School districts/charter schools shall determine and notify parents in an appropriate and timely manner of dates, times, and sites of makeup opportunities for the Utah Basic Skills Competency Test.

R277-473-9. Standardized Testing Rules and Professional Development Requirement.

A. It is the responsibility of all educators to take all reasonable steps to ensure that standardized tests reflect the ability, knowledge, aptitude, or basic skills of each individual student taking standardized tests.

B. School districts/charter schools shall develop policies and procedures consistent with the law and Board rules for standardized test administration, make them available and provide training to all teachers and administrators who shall administer state tests.

C. At least once ~~[E]~~^[E] each school year, school districts/charter schools shall provide professional development for all teachers, administrators, and standardized test administrators concerning guidelines and procedures for standardized test administration, including teacher responsibility for test security and proper professional practices.

D. School district/charter school assessment staff shall use the Testing Ethics Policy Power Point presentation and the Testing Ethics booklet developed by the USOE, available on the USOE Assessment homepage in providing training for all test administrators/proctors.

E. Each and every test administrator/proctor shall individually sign a Testing Ethics signature page also available on the USOE Assessment homepage.

[D]E. All teachers and test administrators shall conduct test preparation, test administration, and the return of all protected test materials in strict accordance with the procedures and guidelines specified in test administration manuals, school district/charter school rules and policies, Board rules, and state application of federal requirements for funding.

[E]G. Teachers, administrators, and school personnel shall not:

(1) provide students directly or indirectly with specific questions, answers, or the subject matter of any specific item in any standardized test prior to test administration;

(2) copy, print, or make any facsimile of protected testing material prior to test administration without express permission of the specific test publisher, including USOE, and school district/charter school administration;

(3) change, alter, or amend any student answer sheet or any other standardized test materials at any time in such a way as to alter the student's intended response;

(4) use any prior form of any standardized test (including pilot test materials) that has not been released by the USOE in test preparation without express permission of the specific test publisher, including USOE, and school district/charter school administration;

(5) violate any specific test administration procedure or guideline specified in the test administration manual, or violate any state or school district/charter school standardized testing policy or procedure;

(6) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of standardized test scores of any individual student, class, or school;

[F]H. Violation of any of these rules may subject licensed educators to possible disciplinary action under Rules of Professional Practices and Conduct for Utah Educators, R686-103-6(I).

KEY: educational testing

Date of Enactment or Last Substantive Amendment: ~~August 7,~~ 2007

Notice of Continuation: May 9, 2005

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-603(3); 53A-1-401(3)



Education, Administration
R277-484-9
Disclosure of Data For Research

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30448

FILED: 09/14/2007, 12:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide a new section on disclosure of data for research consistent with an updated version of the Utah State Office of Education Information Technology Security Plan.

SUMMARY OF THE RULE OR CHANGE: The amended rule provides a new section on disclosure of data for research.

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 costs or savings to the state budget. Additional staff which may be required by the rule would be minimal. The amendment provides clearer standards for providing data for research projects.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The amendment applies only to Utah State Office of Education processes and staff and does not affect school districts/schools.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses and persons other than businesses. The amendment applies only to Utah State Office of Education processes and staff and does not affect school districts/schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendment applies only to Utah State Office of Education processes and staff and does not affect school districts/schools.

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 10/31/2007.

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

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

R277. Education, Administration.

R277-484. Data Standards.

R277-484-9. Disclosure of Data For Research.

A. The USOE may disclose confidential, personally identifiable information of students to organizations for research and

analysis purposes to improve instruction in public schools. Any such disclosure shall be made only if the following requirements are met:

(1) the disclosure is in accordance with the federal Family Educational Rights and Privacy Act (FERPA), 34 CFR 99-31(a)(6), and

(2) the research being done has been commissioned by the Board. In some cases, as approved by the Board, personally identifiable data may be provide to the researcher/contractor but only in a secure manner.

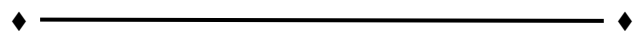
B. Those not commissioned but desiring data shall use the publicly available data on the USOE websites or request the research data set provided by the USOE Computer Services Section. This standard, deidentified data set shall be developed each year and available upon request.

C. The recipient organization shall sign the USOE Confidentiality Agreement.

KEY: data standards, reports, deadlines

Date of Enactment or Last Substantive Amendment: [~~August 7,~~ 2007]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-301(2)(e)



Environmental Quality, Air Quality **R307-214** National Emission Standards for Hazardous Air Pollutants

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30430

FILED: 09/07/2007, 13:51

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update the incorporation date of 40 CFR Part 61 and 40 CFR Part 63 to 07/01/2007, and to incorporate by reference new federal regulations that may apply to current or future Utah sources of hazardous air pollutants. If requested, a public hearing will be held Wednesday, 10/24/2007 at 2 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City, UT. If no request for a public hearing is received by 10/15/2007, the hearing will be canceled. After 10/15/2007, you may go to: <http://www.airquality.utah.gov/Public-Interest/Public-Comments-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. Request for public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136.

SUMMARY OF THE RULE OR CHANGE: The change updates the incorporation date of 40 CFR Part 61. There have been a number of changes that have occurred since the last time the division incorporated Part 61 into the rule; however, these

changes are either procedural in nature or minor modifications that include cleanup of language, citations, and cross references throughout Part 61. This change also updates the incorporation date of 40 CFR Part 63. The Clean Air Act of 1990 required EPA to issue standards for Hazardous Air Pollutants (HAP); these standards are commonly called Maximum Achievable Control Technologies (MACT). State operation of the MACTs program is a federally required component of Operating Permits program under Title V of the Clean Air Act. By adopting and receiving delegation for these standards for HAPs, the state will have primacy over administration of these standards on Utah sources. This will be consistent with the historical approach taken by the Department of Environmental Quality, and will simplify procedures required of sources. Ten new federal regulations that may apply to current or future Utah sources of hazardous air pollutants are proposed for incorporation by reference into Section R307-214-2.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 61, and 40 CFR Part 63, July 1, 2007; and 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutions for Polyvinyl Chloride and Copolymers Production Area Sources; 40 CFR Part 63, Subpart EEEEEEE, National Emission Standards for Hazardous Air Pollutions for Primary Copper Smelting Area Sources; 40 CFR Part 63, Subpart FFFFFFF, National Emission Standards for Hazardous Air Pollutions for Secondary Copper Smelting Area Sources; and 40 CFR Part 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutions for Primary Nonferrous Metals—Zinc, Cadmium, and Beryllium Area Sources. Also, 40 CFR Part 63 Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutions: Acrylic and Modacrylic Fibers Production Area Sources; 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutions: Carbon Black Production Area Sources; 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutions: Chemical Manufacturing Area Sources: Chromium Compounds; 40 CFR Part 63, Subpart OOOOOO, National Emission Standards for Hazardous Air Pollutions for Flexible Polyurethane Foam Production and Fabrication Area Sources; 40 CFR Part 63, Subpart PPPPPP, National Emission Standards for Hazardous Air Pollutions for Lead Acid Battery Manufacturing Area Sources; 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutions for Wood Preserving Area Sources (all 72 FR 38864, July 16, 2007)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no costs to the state budget for implementing the MACTS, as all sources are required to hold Operating Permits, and their costs are built into the fees paid by sources of HAPs under the Operating Permit Program.

❖ **LOCAL GOVERNMENTS:** No adverse economic impact is expected to occur as a result this rule because these provisions are already federally enforceable.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: SMALL BUSINESSES:** No adverse economic impact is expected to occur as a result of this rule because these provisions are already federally enforceable. **OTHER PERSONS:** No adverse economic impact is expected to occur as a result of this rule because these provisions are already federally enforceable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No adverse economic impact is expected to occur as a result of this rule because these provisions are already federally enforceable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No adverse economic impact is expected to occur as a result of this rule because these provisions are already federally enforceable. 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 10/31/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/24/2007 at 2:00 PM, DEQ Bldg, 150 N 1950 W, Main Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2007

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-214. National Emission Standards for Hazardous Air Pollutants.

R307-214-1. Part 61 Sources.

The provisions of 40 Code of Federal Regulations (CFR) Part 61, National Emission Standards for Hazardous Air Pollutants, effective as of ~~October 20, 1994~~ July 1, 2007, are incorporated into these rules by reference. For source categories delegated to the State, references in 40 CFR Part 61 to "the Administrator" shall refer to the Executive Secretary.

R307-214-2. Part 63 Sources.

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of July 1, ~~2006~~ 2007, or later for those whose subsequent publication citation is included below, are incorporated into these rules

by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the executive secretary, unless by federal law the authority is specific to the Administrator and cannot be delegated.

(1) 40 CFR Part 63, Subpart A, General Provisions.

(2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(g) and (j).

(3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

(4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

(5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

(6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

(7) 40 CFR Part 63, Subpart J, National Emission Standards for Polyvinyl Chloride and Copolymers Production.

(8) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.

(9) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(10) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(11) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.

(12) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(13) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(14) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

(15) 40 CFR Part 63, Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

(16) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.

(17) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.

(18) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(19) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(20) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.

(21) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.

(22) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.

(23) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

(24) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.

(25) 40 CFR Part 63, Subpart MM, National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion

Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.

(26) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks - Level 1.

(27) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.

(28) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.

(29) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.

(30) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT).

(31) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).

(32) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).

(33) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(34) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).

(35) 40 CFR Part 63, Subpart XX, National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.

(36) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.

(37) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

(38) 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(39) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

(40) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.

(41) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.

(42) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(43) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.

(44) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.

(45) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(46) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(47) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).

(48) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

(49) 40 CFR Part 63, Subpart QQQ, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelters.

(50) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

(51) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.

(52) 40 CFR Part 63, Subpart UUU, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

(53) 40 CFR Part 63, Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.

(54) 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.

(55) 40 CFR Part 63, Subpart CCCC, National Emission Standards for Manufacturing of Nutritional Yeast.

(56) 40 CFR Part 63, Subpart DDDD, National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products.

(57) 40 CFR Part 63, Subpart EEEE, National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (non-gasoline).

(58) 40 CFR Part 63, Subpart FFFF, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing.

(59) 40 CFR Part 63, Subpart GGGG, National Emission Standards for Vegetable Oil Production; Solvent Extraction.

(60) 40 CFR Part 63, Subpart HHHH - National Emission Standards for Wet-Formed Fiberglass Mat Production.

(61) 40 CFR Part 63, Subpart IIII, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks.

(62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Surface Coating Operations.

(63) 40 CFR Part 63, Subpart KKKK, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans.

(64) 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

(65) 40 CFR Part 63, Subpart NNNN - National Emission Standards for Large Appliances Surface Coating Operations.

(66) 40 CFR Part 63, Subpart OOOO, National Emission Standards for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing Surface Coating Operations.

(67) 40 CFR Part 63, Subpart PPPP, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.

(68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products.

(69) 40 CFR Part 63, Subpart RRRR, National Emission Standards for Hazardous Air Pollutants for Metal Furniture Surface Coating Operations.

(70) 40 CFR Part 63, Subpart SSSS - National Emission Standards for Metal Coil Surface Coating Operations.

(71) 40 CFR Part 63, Subpart TTTT - National Emission Standards for Leather Tanning and Finishing Operations.

(72) 40 CFR Part 63, Subpart UUUU - National Emission Standards for Cellulose Product Manufacturing.

(73) 40 CFR Part 63, Subpart VVVV - National Emission Standards for Boat Manufacturing.

(74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.

(75) 40 CFR Part 63, Subpart XXXX - National Emission Standards for Tire Manufacturing.

(76) 40 CFR Part 63, Subpart YYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

(77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

(78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

(79) 40 CFR Part 63, Subpart BBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.

(80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

(81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.

(82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.

(83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.

(84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.

(85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.

(86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.

(87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.

(88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

(89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.

(90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

(91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.

(92) 40 CFR Part 63, Subpart PTTTT, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.

(93) 40 CFR Part 63, Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

(94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.

(95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

(96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

(97) 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(98) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(99) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(100) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.

(101) 40 CFR Part 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources, published on July 16, 2007 at 72 FR 38864.

(102) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources, published on July 16, 2007 at 72 FR 38864.

(103) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds, published on July 16, 2007 at 72 FR 38864.

(104) 40 CFR Part 63, Subpart OOOOO, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources, published on July 16, 2007 at 72 FR 38864.

(105) 40 CFR Part 63, Subpart PTTTT, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources, published on July 16, 2007 at 72 FR 38864.

(106) 40 CFR Part 63, Subpart QQQQQ, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources, published on July 16, 2007 at 72 FR 38864.

KEY: air pollution, hazardous air pollutant, MACT
Date of Enactment or Last Substantive Amendment: [~~February 9, 2007~~2008
Notice of Continuation: February 9, 2004
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)



Environmental Quality, Air Quality
R307-405
Permits: Major Sources in Attainment
or Unclassified Areas (PSD)

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 30431
 FILED: 09/07/2007, 13:53

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference into Rule R307-405. The purpose of the change is to update the incorporation by reference to the most recent version of the CFR, dated July 1, 2007.

SUMMARY OF THE RULE OR CHANGE: The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference into Rule R307-405. This amendment updates the incorporation by reference to the most recent version of the CFR, dated July 1, 2007. The rule has been changed so that a single reference in Section R307-405-2 will apply to the entire rule rather than repeating the date in each subsection. This change will simplify future updates to the incorporation by reference date. The following update to 40 CFR 52.21 will be included: 06/13/2007 -- EPA removed the pollution control project and clean unit provisions that were vacated by the DC Circuit Court of Appeals on 06/24/2005. The change was effective immediately. These provisions were already excluded from Utah's incorporation by reference so this is not a substantive change. Rule R307-405 has been changed to remove the exclusions from the incorporation by reference because they are no longer needed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 52.21, 40 CFR 52.01, and 40 CFR 51.166, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** No costs or savings are expected because the cost of Air Quality's activities in issuing approval orders under Rule R307-405 are covered by fees paid by the sources.
- ❖ **LOCAL GOVERNMENTS:** Because the amendment does not create new requirements for sources owned or operated by local government, no change in costs is expected for local government.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** Because the amendment does not create new requirements for sources, no change in costs is expected for small business. **OTHER PERSONS:** Because the amendment does not create new requirements for sources, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the amendment does not create new requirements for sources, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No change in costs is expected for businesses, because the amendment does not create new requirements for sources. 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 10/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2007

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.**R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).****R307-405-1. Purpose.**

This rule implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. This rule does not include the routine maintenance, repair and replacement provisions that were vacated by the DC Circuit Court of Appeals on March 17, 2006. ~~This rule does not include the clean unit and pollution control project provisions that were vacated by the DC Circuit Court of Appeals on June 24, 2005.~~ This rule supplements, but does not replace, the permitting requirements of R307-401.

R307-405-2. Applicability.

- (1) ~~Except as provided in (2),~~ All references to 40 CFR in R307-405 shall mean the version that is in effect on July 1, 2007.
- (2) ~~The provisions of 40 CFR 52.21(a)(2) [effective July 1, 2006;] are hereby incorporated by reference.~~
 - ~~(2) The following provisions that apply to clean units and pollution control projects are not incorporated because these provisions were vacated by the DC Court of Appeals on June 24, 2005:~~
 - ~~(a) 40 CFR 52.21(a)(2)(iv)(e);~~
 - ~~(b) the last sentence in 40 CFR 52.21(a)(2)(iv)(f); and~~
 - ~~(c) 40 CFR 52.21(a)(2)(vi);]~~

(3) Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is subject to the requirement to obtain an approval order in R307-401-5 through 8.

R307-405-3. Definitions.

(1) Except as provided in (2) below, the definitions contained in 40 CFR 52.21(b) ~~[effective July 1, 2006;]~~ are hereby incorporated by reference.

(2)(a)(i) "Major Source Baseline Date" means:

(A) in the case of particulate matter:

(I) for Davis, Salt Lake, Utah and Weber Counties, the date that EPA approves the PM10 maintenance plan that was adopted by the Board on July 6, 2005;

(II) for all other areas of the State, January 6, 1975;

(B) in the case of sulfur dioxide:

(I) for Salt Lake County, the date that EPA approves the sulfur dioxide maintenance plan that was adopted by the Board on January 5, 2005;

(II) for all other areas of the State, January 6, 1975; and

(C) in the case of nitrogen dioxide, February 8, 1988.

(ii) "Minor Source Baseline Date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or R307-405 submits a complete application under the relevant regulations. The trigger date is:

(A) In the case of particulate matter and sulfur dioxide, August 7, 1977, and

(B) in the case of nitrogen dioxide, February 8, 1988.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i)(D) or (E) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or R307-405; and

(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the executive secretary shall rescind a minor source baseline date where it can be shown, to the satisfaction of the executive secretary, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM10 emissions.

(b) In the definition of "baseline area" in 40 CFR 52.21(b)(15)(ii)(b) insert the words "or R307-405" after "Is subject to 40 CFR 52.21".

(c) "Reviewing Authority" means the executive secretary.

(d)(i) The term "Administrator" shall be changed to "executive secretary" throughout R307-405, except as provided in (ii).

(ii) The term "Administrator" shall be changed to "EPA Administrator" in the following incorporated sections:

(A) 40 CFR 52.21(b)(17),

(B) 40 CFR 52.21(b)(37)(i),

(C) 40 CFR 52.21(b)(43),

(D) 40 CFR 52.21(b)(48)(ii)(c),

(E) 40 CFR 52.21(b)(50)(i),

(F) 40 CFR 52.21(l)(2),

(G) 40 CFR 52.21(p)(2), and

(H) 40 CFR 51.166(q)(2)(iv).

(e) ~~The following definitions or portions of definitions that apply to clean units and pollution control projects are not incorporated because these provisions were vacated by the DC Court of Appeals on June 24, 2005:~~

~~(i) in the definition of "major modification" in 40 CFR 52.21(b)(2), subparagraph (iii)(h);~~

~~(ii) in the definition of "net emissions increase" in 40 CFR 52.21(b)(3), subparagraph (iii)(b);~~

~~(iii) in the definition of "net emissions increase" in 40 CFR 52.21(b)(3), subparagraph (vi)(d);~~

~~(iv) the definition of "pollution control project" in 40 CFR 52.21(b)(32), and~~

~~(v) the definition of "clean unit" in 40 CFR 52.21(b)(42).~~

~~(f) The following definitions or portions of definitions that apply to the equipment repair and replacement provisions are not incorporated because these provisions were vacated by the DC Circuit Court of Appeals on March 17, 2006:~~

~~(i) in the definition major modification in 40 CFR 52.21(b)(2), the second sentence in subparagraph (iii)(a),~~

~~(ii) the definition of "process unit" in 40 CFR 52.21(b)(55),~~

~~(iii) the definition of "functionally equivalent component" in 40 CFR 52.21(b)(56),~~

~~(iv) the definition of "fixed capital cost" in 40 CFR 52.21 (b)(57), and~~

~~(v) the definition of "total capital investment" in 40 CFR 52.21(b)(58).~~

~~(3) "Air Quality Related Values," as used in analyses under 40 CFR 52.21 (p) that is incorporated by reference in R307-405-17, means those special attributes of a Class I area, assigned by a federal land manager, that are adversely affected by air quality.~~

~~(4) "Heat input" means heat input as defined in 40 CFR 52.01(g); effective July 1, 2006, that is hereby incorporated by reference.~~

~~(5) "Title V permit" means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to R307-415.~~

~~(6) "Title V Operating Permit Program" means R307-415.~~

~~(7) The definition of "Good Engineering Practice (GEP) Stack Height" as defined in R307-410 shall apply in this rule.~~

~~(8) The definition of "Dispersion Technique" as defined in R307-410 shall apply in this rule.~~

R307-405-5. Area Redesignation.

Any person may petition the Board to change the classification of an area designated under R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).

(1) The petition shall contain a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed redesignation.

(2) The petition shall contain a demonstration that the proposed redesignation meets the criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(e) and (g); ~~effective July 1, 2006,~~ that is hereby incorporated by reference.

R307-405-6. Ambient Air Increments.

The provisions of 40 CFR 52.21(c); ~~effective July 1, 2006,~~ are hereby incorporated by reference.

R307-405-7. Ambient Air Ceilings.

The provisions of 40 CFR 52.21(d); ~~effective July 1, 2006,~~ are hereby incorporated by reference.

R307-405-9. Stack Heights.

The provisions of 40 CFR 52.21(h); ~~effective July 1, 2006,~~ are hereby incorporated by reference.

R307-405-10. Exemptions.

(1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii); ~~effective July 1, 2006,~~ are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(i)(2) through (5); ~~effective July 1, 2006,~~ are hereby incorporated by reference.

R307-405-11 Control Technology Review.

The provisions of 40 CFR 52.21(j)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-12. Source Impact Analysis.

The provisions of 40 CFR 52.21(k)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-13. Air Quality Models.

The provisions of 40 CFR 52.21(l)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-14. Air Quality Analysis.

(1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv), (vi), and (viii)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(m)(2) and (3)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-15. Source Information.

The provisions of 40 CFR 52.21(n)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-16. Additional Impact Analysis.

The provisions of 40 CFR 52.21(o)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-17. Sources Impacting Federal Class I Areas: Additional Requirements.

(1) The provisions of 40 CFR 52.21(p)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2) The executive secretary will transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the EPA Administrator of every action related to the consideration of such permit.

R307-405-18. Public Participation.

(1) Except as provided in (2), the provisions of 40 CFR 51.166(q)(1) and (2)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2) The phrase "within a specified time period" in 40 CFR 51.166(q)(1) shall be replaced with the phrase "within 30 days of receipt of the PSD permit application".

R307-405-19. Source Obligation.

~~[(1) Except as provided in (2) below, t]The provisions of 40 CFR 52.21(r)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.~~

~~— (2) The parenthetical phrase in the first sentence in 40 CFR 52.21(r)(6) shall be changed to read "(other than projects at a source with a PAL)."~~

R307-405-20. Innovative Control Technology.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(v)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1) shall be changed to "R307-405-18".

(b) 40 CFR 52.21(v)(2) shall be changed to read "The executive secretary shall, with the consent of the governors of other affected

states, determine that the source or modification may employ a system of innovative control technology, if".

R307-405-21. Actuals PALs.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(aa)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2) (a) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

(b) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

(c) The references to "70.6(a)(3)(iii)(B) of this chapter" in 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-6a(3)(c)(ii)".

(d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and (ii) shall be changed to "June 16, 2006".

KEY: air pollution, PSD, Class I area

Date of Enactment or Last Substantive Amendment: 2007

Notice of Continuation: June 16, 2006

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



Health, Administration

R380-300

Community Spay and Neuter Grants

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 30400

FILED: 09/06/2007, 10:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Title 26, Chapter 48, requires the Department of Health to define a person having low income and establish procedures and requirements for an organization to apply for funding from the Individual Income Tax Contribution for Community Spay and Neuter Programs.

SUMMARY OF THE RULE OR CHANGE: The rule defines a person having low income and establishes grant application and compliance requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-48-102

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The administrative rule anticipates no fiscal impact on the state budget. All funding is from the state income tax individual contributions for Community Spay and Neuter programs.

❖ LOCAL GOVERNMENTS: There are no fiscal costs to local government in regards to the statute or the administrative rule. Over time it is anticipated there will be a savings in animal control as there will be fewer cats and dogs produced. The amount and increment of the savings is difficult to ascertain.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The current collections from the contributions equals \$38,300. It is anticipated veterinarians will be compensated from those collections and low income persons will have savings in the same amount because of the vouchers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs to veterinarians and individuals. Grant recipients may have some application compliance costs if they choose to apply for the grant.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No unacceptable fiscal impact is expected on businesses impacted by this rule change. This will be evaluated after the public has an opportunity to comment. David N. Sundwall, MD, Executive Director

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

HEALTH
ADMINISTRATION
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:
Lyle Odendahl at the above address, by phone at 801-538-6878, by FAX at 801-538-6306, or by Internet E-mail at lyleodendahl@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 10/31/2007.

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

AUTHORIZED BY: David N. Sundwall, Executive Director

R380. Health, Administration.

R380-300. Community Spay and Neuter Grants.

R380-300-1. Authority and Purpose.

(1) This rule provides the requirements and procedures for community spay and neuter grants established by Title 26, Chapter 48 and defines what constitutes a person having low income for purposes of that statute.

(2) It is authorized by Section 26-48-102 (5)(c).

R380-300-2. Definitions.

The definitions as they appear in Section 26-48-102 (4) apply. In addition, "Department" means the Utah Department of Health.

R380-300-3. Grant Application.

An applicant responding to a request for grant application under this program shall submit its application as directed in the grant application guidance issued by the Department. An applicant organization shall submit an annual report for the organization as a whole which shall provide for the most current year end:

(1) IRS form 990 for non-profit corporation qualified under I.R.C. Section 501 (c)(3);

(2) a statement of assets, liabilities and fund balance;

(3) a statement of operations showing by summary, sources of revenue and expenditures;

(4) a statement of mission or purpose and how the organization has met its objectives; and

(5) a list of directors and key administrators who are in control of the organization.

R380-300-4. Criteria for Awarding Grants.

In awarding grants, the Department shall consider the extent to which the applicant:

(1) demonstrates that it meets organization criteria in Section 26-48-102 (4);

(2) demonstrates that it will provide spay and neuter services for cats and dogs belonging to a low-income person as required in Section 26-48-102 (4);

(3) provides:

(a) information that requirements established in Section 26-48-102 (5) are met;

(b) an organization operation plan with a statement of specific measurable objectives and methods to be used to assess the achievement of those objectives;

(c) a schedule of fees the voucher shall cover; and

(d) the number of estimated animal procedures to be provided with the grant award.

R380-300-5. Qualified Service Recipient.

(1) A low-income person qualifies under poverty standards established by the applicant organization using the 200 percent of federal poverty level standard. Acceptable proof may be any of the following:

(a) Medicaid enrollment documentation;

(b) CHIP enrollment documentation;

(c) Food Stamps eligibility documentation;

(d) WIC enrollment documentation;

(e) Social Security Disability (SSD);

(f) HUD Section 8 eligibility documentation; or

(g) prior year's income tax return.

(2) The grantee must assure that each individual to whom it provides service under the grant awarded under this rule meets the requirements of this rule and Section 26-48- 102 (5).

R380-300-6. Annual Report Requirements.

(1) The grant recipient shall provide an annual report as provided in R380-300-3 above.

(2) The recipient organization shall provide supplementary information related to the mobile spay and neuter services described in the grant application, including a break down by county of:

(a) the number of cats neutered or spayed and an estimated cost per animal; and

(b) the number of dogs neutered or spayed and an estimated cost per animal.

(3) An organization that receives state funds under Section 26-48-102 must submit to the Department of Health, Fiscal Operations, an annual accounting of the grant funds including:

(a) the number of vouchers distributed to pet owners for spay and neuter services;

(b) the number of vouchers redeemed for services;

- (c) a summary of total cost of voucher services provided; and
 (d) an average cost per animal.

R380-300-7. Audit Provisions.

An organization that receives state funds under Section 26-48-102 must submit, upon request, to a Department audit of the recipients' compliance with the terms of the grant.

KEY: spav, neuter, pets, grants

Date of Enactment or Last Substantive Amendment: 2007

Authorizing, and Implemented or Interpreted Law: 26-48-102 (5)(c)



Health, Epidemiology and Laboratory
 Services, Epidemiology
R386-705
 Health Care Associated Infection

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 30425

FILED: 09/06/2007, 12:33

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed new rule establishes a health care acquired infection surveillance system to monitor state-wide trends, define the scope of the problem in Utah, provide public accountability, and establish baseline rates for improvement activities. Approximately 1 in 10 hospitalized patients will acquire an infection after admission, which will result in substantial economic cost. Each year, more than 2,000,000 Americans contract infections during hospitalization. Health care acquired infections result in an estimated 90,000 deaths each year in the United States and account for at least \$4,500,000,000 in excess health care costs annually. Many states (18 to date) are taking some sort of legislative or regulatory action for public reporting. Applying the above incidence rate to the state of Utah, the estimated number of infections based on 2005 hospital discharges (268,652 - most recent data) would indicate that approximately 26,000 patients acquired an infection after admission, 762 (2.84 cases per 1,000 admissions) which may cause mortality/morbidity and for an annual cost of close to \$2,000,000 in excess health care costs. The Advisory Committee on Immunization Practices (ACIP) recommends annual influenza immunization of health care workers, that measures be taken to increase health care worker immunization rates, and that those rates be used as a measure of the quality of a patient safety program. Other organizations have made similar recommendations, including the Infectious Disease Society of America and The Joint Commission. This rule establishes reporting requirements for health care associated infections starting with Central Line Associated-Blood Stream Infections (CLA-BSI) and employee influenza immunization rates.

SUMMARY OF THE RULE OR CHANGE: This rule establishes the reporting mechanism to begin tracking health care acquired infections. Specifically the rule focuses on (CLA-BSI) and influenza immunization rates of hospital and long-term care employees. The rule defines the facilities and units within those facilities responsible for reporting, the infectious organisms, and the specific classification of blood stream infections. It also defines the reporting periods and mechanisms for reporting immunization information.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 26-1-30(2)(a), (b), (d), (e), and (g); and Sections 26-6-3 and 26-6-7

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Anticipated one time costs of \$7,500 - \$10,000 will be incurred from existing budget resources for the development of an internet-based reporting tool. This will allow facility reporters to submit their reports on line, to track their reports, and for Department of Health staff to conduct data analysis. Analysis of the data and reporting out will be achieved electronically. The Bureau of Epidemiology staff assigned to this program will conduct periodic statewide analysis of the CLA-BSI as part of its existing duties. The Division of Community and Family Health Services will continue to work with facilities on the immunization reports. Efforts to improve rates of health care acquired infections (once baseline rates have been established) will in the long run benefit all Utah patients including Medicaid recipients and the costs associated with excess health care expenditures.

❖ LOCAL GOVERNMENTS: If a local government owns a health care facility, this may have an indirect impact on the subsidy they are providing to that facility. Currently, there are only a few that fall in this category and are rural. The incidence of these types of events in rural facilities tends to be low due to the low number of hospital days, and in many cases the lack of an Intensive Care Unit (ICU). The impact will be negligible especially after the internet-based reporting system is put into place and the process has been streamlined. Annual local government-owned hospital costs would be \$40 for each CLA-BSI and \$125 per hospital owned.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: A facility that is accredited by The Joint Commission already provides essentially the same reports to The Joint Commission. This represents the urban and community hospital or approximately 65% of the hospitals in Utah. Hospitals not accredited by The Joint Commission are the rural hospitals. Rural Utah hospitals owned by major corporations already gather this information if they have an ICU. There are only six rural Utah hospitals that are not owned by major corporations. Aggregate costs for these six rural hospitals would be estimated at approximately \$40 per year per hospital or \$240 (5 CLA-BSI infections per year X \$8). The estimated cost of reporting vaccinations under this rule is \$500 per 1,000 employees or approximately 50 cents per 250 employees per 6 hospitals or \$750. Patients will not be directly affected by the reporting requirement but should in the future, as state-wide interventions are developed, experience a drop in hospital associated infection rates and consequently improvement in mortality and morbidity and expenses associated with health care associated infections.

Projected savings include a decrease in length of stay and improved employee productivity if the spread of infections can be curbed due to state-wide surveillance and intervention. Currently, long-term care facilities voluntarily report employee vaccination rates when they report resident vaccination rates. This rule formalizes the reporting of employee vaccination rates.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individual patients will not be directly affected by the reporting requirement but should in the future, as state-wide interventions are developed, experience a drop in rates and consequently improvement in mortality, morbidity, and expenses associated with health care associated infections. Average costs per facility depends on the number of admissions, size of the facility, and whether it currently has an ICU. Because there are so few reportable incidents for all nonaccredited hospitals, it is not possible to estimate the total cost for any one nonaccredited facility. Whether the hospital has an ICU will dictate the number of CLA-BSI infections likely to be reported. An estimate of 20 percent of the 762 estimated Utah infections or 150 infections a year (as estimated by national studies applied to Utah discharges) would be due to CLA-BSI. Industry infection control experts and health care system representatives estimate that the cost will be 10 minutes per report or \$8 per report for hospitals accredited by The Joint Commission. Total cost to the health care industry is estimated to be \$1,200 a year for CLA-BSI reporting. Vaccination reporting across all hospitals is estimated to be \$500 per 1,000 employees. Actual costs will depend on the size of the hospital and the number of employees and turnover rate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Given the serious threat from hospital acquired infection to the public, the fiscal impact this rule will have on business appears to be justified. After public comment, this will be examined again. David N. Sundwall, MD, Executive Director

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
EPIDEMIOLOGY
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:

Robert T Rolfs or Iona Thraen at the above address, by phone at 801-538-6191 or 801-538-6471, by FAX at 801-538-9923 or 801-538-7053, or by Internet E-mail at rrolfs@utah.gov or ithraen@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 10/31/2007.

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

AUTHORIZED BY: David N. Sundwall, Executive Director

R386. Health, Epidemiology and Laboratory Services, Epidemiology.

R386-705. Epidemiology, Health Care Associated Infection.

R386-705-1. Authority and Purpose.

This rule establishes reporting requirements for health care associated infections and for influenza vaccination of health care workers. It is authorized by Utah Code Subsections 26-1-30(2)(a), (b), (d), (e), and (g), 26-6-3, and 26-6-7.

R386-705-2. Definitions.

For purposes of this rule:

(1) "BSI" means a blood stream infection that meets the criteria in Subsection 22(1).

(2) "Central line" means a vascular access catheter that passes through or has a tip ending at or close to the heart or in one of the great vessels. Great vessels include aorta, pulmonary artery, superior vena cava, inferior vena cava, brachiocephalic vein, internal jugular vein, subclavian vein, external iliac vein, or common femoral vein. The following vascular access catheters are central lines: subclavian vein catheter, internal jugular vein catheter, PICC (peripherally inserted central catheter), Swan-Ganz catheter, Cook, Shiley, Port-a-Cath, Broviac, Groshong, Hickman, or dialysis catheter. The following catheters are not central lines for purposes of this rule: arterial catheters inserted into an artery, midline PICC, and pacemaker wires.

(3) "Central line associated blood stream infection" or "CLA-BSI" means a primary blood stream infection that is associated with the presence of a central line that meets the criteria in Subsection 21(3).

(4) "Common skin commensal" means microorganisms that are commonly found on the skin and often indicate contamination of the blood culture media rather than identification of a pathogenic organism when identified in blood culture tests, and include coagulase negative staphylococci, propionibacterium species, corynebacterium species, diphtheroids, bacillus species, and micrococcus species.

(5) "Health care facility" means a facility or agency licensed pursuant to Utah Code Title 26, Chapter 21.

(6) "Health care worker" means any person employed by a health care facility and who in the usual course of work either enters patient rooms or provides direct patient care. Health care workers may include personnel such as physicians, nurses, nursing assistants, therapists, technicians, emergency medical service personnel, dental personnel, pharmacists, laboratory personnel, dietary, housekeeping, and maintenance personnel.

(7) "Intensive care unit" or "ICU" means any general or specialty unit that provides intensive observation, diagnosis, and therapeutic procedures for patients who are critically ill who are 1 year of age or older. An ICU includes coronary care units, medical intensive care units, medical/surgical intensive care units, surgical intensive care units, trauma intensive care units, neurosurgical intensive care units, burn trauma intensive care units, and pediatric intensive care units that provide care for at least some patients.

(8) "Pathogenic organism" means a microorganism that is not a common skin commensal.

R386-705-3. Reports.

(1) All hospitals shall, for all general or specialty care ICU beds, except bone marrow transplant units, newborn or neonatal intensive care units, or nursing areas that provide step-down, intermediate care, or telemetry monitoring only, report:

- (a) the number of central line patient days; and
- (b) each case of CLA-BSI.

(2) Each hospital and each long term care facility shall report its influenza vaccination rates for its healthcare workers.

R386-705-4. Health Care Associated Infection Report Methodology.

The information required by this rule shall be reported to the Utah Department of Health, Bureau of Epidemiology using a form or electronic system approved by the Department. All facilities required to report shall report CLA-BSI quarterly for the January through March quarter by May 15, for the April through June quarter by August 15, for the July through September quarter by November 15, and for the October through December quarter by February 15.

R386-705-10. Health Care Associated Infection Prevention.

Each facility required to report under Subsection 3(1) shall implement processes to prevent central line associated blood stream infections.

(1) The processes shall include at least one intervention proven by scientifically valid means to be effective in preventing CLA-BSI. Interventions that have been recommended by an accepted health authority, including the Centers for Disease Control and Prevention, or the federal Hospital Infection Control Practices Advisory Committee, meet this requirement.

(2) The facility shall have a system to monitor that program and shall make information about the program available upon request.

R386-705-20. Central Line Days.

(1) Each facility required to report under this rule shall report central line patient days.

(a) The facility shall count the number of patients who were at least one year of age and with a central line in place and resident in the ICU at the time of the count.

(b) The count shall be performed at the same time each day, within 1 hour before or after the target time, during the reporting period.

(c) A patient with two or more central lines in place at the time of the count is counted as one patient with a central line on that day.

(d) The facility shall calculate the sum of the individual daily counts for each day in the reporting period to arrive at the total for the reporting period.

(2) The number of central line days may be estimated based on a valid sampling method.

R386-705-21. Blood Stream Infection Reports.

(1) Each facility required to report under this rule shall report each case of CLA-BSI that occurs in each patient who is at least one year of age and who was either:

(a) in an ICU at the time the CLA-BSI was identified and had been in the ICU for at least 2 days prior to that time; or

(b) had been in an ICU within 2 days prior to the time the CLA-BSI was identified;

(2) The time the CLA-BSI is identified is the time that the first positive blood culture result used to identify the CLA-BSI was collected from the patient.

(3) A case of CLA-BSI is reportable if meets the criteria in Subsections 22(1), (4), and (5) and does not meet the criteria in Subsection 22(3).

(4) For each case of CLA-BSI, the hospital shall report:

- (a) the date the CLA-BSI was identified;
- (b) the type of ICU in which the case occurred, i.e., the ICU in which the patient resided at identification of the CLA-BSI if in ICU at the time, or the ICU from which patient was most recently discharged if not in ICU at the time;
- (c) the organism or organisms isolated from blood cultures associated with the CLA-BSI episode; and
- (d) whether the CLA-BSI was considered a mixed BSI episode based on meeting the criteria in Subsections 22(2).

(5) The Utah Department of Health shall evaluate the case definitions and reporting algorithm at least annually with input from the users group and make any needed clarifications or changes.

R386-705-22. Classification Criteria for Central Line Associated Bloodstream Infections.

Definitions of bloodstream infections established in this rule are not to be construed as technical medical definitions of bloodstream infections, but only as definitions necessary to establish a reporting requirement. In reporting CLA-BSI under this rule, facilities shall apply the following criteria as required by Section R386-705-21:

(1) Criteria 1-BSI:

(a) at least one blood culture result includes a pathogenic organism;

(b) at least two blood culture results from specimens obtained at different times or from specimens drawn at different phlebotomy sites, e.g., left arm and right arm, within a 2 day period include the same type of common skin commensal organism; or

(c) at least one blood culture result includes a common skin commensal organism and antibiotic treatment effective against that organism was started on the day that the culture was collected and was continued for greater than three days.

(2) Criteria 2-Mixed BSI:

A BSI is a mixed BSI episode if more than one type of organism is identified in blood culture results obtained within a 5 day period.

(3) Criteria 3-Secondary BSI:

(a) A BSI is a secondary BSI if the organism is a pathogenic organism and is detected in a culture from a source other than blood that:

(i) was obtained from the patient within the 3 days before or 7 days after the positive blood culture;

(ii) is not a surveillance culture, i.e., a culture obtained routinely to detect carriage of an organism and not to diagnose an infection that is suspected based on clinical findings;

(iii) is not a culture of a catheter tip; and

(iv) is not a yeast obtained in a culture from respiratory source.

(b) A mixed BSI episode is secondary if any one of the organisms detected in blood cultures during the current episode meets the criteria for a secondary BSI.

(4) Criteria 4-New Episode:

A primary BSI is a new episode of BSI if:

(a) it is the first BSI in the patient during the patient's current hospitalization;

(b) it is the first time this organism is detected in the patient and no other BSI was detected in the patient in the previous 5 days;
or

(c) the organism was detected in a previous blood culture from this patient and that blood culture was collected more than 30 days before the blood culture indicating the current BSI episode.

(5) Criteria 5-Central Line:

A BSI is a CLA-BSI if a central line was in place for at least two days before the first blood culture identifying the BSI was collected.

R386-705-25. Influenza Vaccination Rate Reporting.

(1) Reports of influenza vaccination rates shall include the number of health care workers and the number of those workers who are documented to have received an influenza vaccine for the current influenza season. Influenza vaccination rates may be measured by complete enumeration of all health care workers in the facility during the season and the number of them who were vaccinated during that season or may be estimated by a cross-sectional assessment.

(2) Each hospital and licensed long term care facility shall report its influenza vaccination rates for the current influenza season by January 31.

R386-705-100. Attestation Required.

Each facility required to report under Subsection 3(1), shall attest to the implementation and effectiveness of its health care infection prevention program and its systems for reporting, as required by this rule, once every three years.

R386-705-101. Penalties.

As required by Section 63-46a-3(5): An entity that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: hospitals, quality improvement, patient safety

Date of Enactment or Last Substantive Amendment: 2007

Authorizing, and Implemented or Interpreted Law: 26-1-30(2)(a); 26-1-30(2)(b); 26-1-30(2)(d); 26-1-30(2)(e); 26-1-30(2)(g); 26-6-3; 26-6-7



Human Services, Child and Family
Services

R512-51

Fee Collection for Criminal Background
Screening for Prospective Foster and
Adoptive Parents and for Employees of
Other Department of Human Services
Licensed Programs

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 30394

FILED: 09/05/2007, 12:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to enable the Division of Child and Family Services (DCFS) to collect fees for processing criminal background screening for prospective foster and adoptive parents of children in state custody and other adults in the home, and for employees of other licensed programs upon request of the Office of Licensing.

SUMMARY OF THE RULE OR CHANGE: This rule will allow DCFS to collect fees for electronic fingerprint scanning for the purpose of criminal background screening for prospective and adoptive parents of children in state custody and other adults in the home, and for employees of other Department of Human Services licensed programs. The Citizen Board for Child and Family Services approved this rule and fee schedule at its Board meeting held on 06/26/2007. (DAR NOTE: A corresponding 120-day (emergency) rule that was effective as of 09/05/2007 is under DAR No. 30393 in this issue, October 1, 2007, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Pub. L. No. 109-248, and Sections 62A-2-120 and 78-3a-307

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is not a substantive savings. DCFS estimates approximately \$60,000 will be received to cover a portion of the costs necessary for agency workers to provide the fingerprint scanning services.

❖ LOCAL GOVERNMENTS: None--Local government is not involved in processing criminal background screenings for prospective foster and adoptive parents of children in state custody and other adults in the home, and for employees of other licensed programs upon request of the Office of Licensing.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There will not be a substantive financial impact for small businesses. Small businesses such as child placing agencies that utilize proctor families serving children in state custody may see a slight cost savings under the new fee structure for those families that required the fingerprint screening previously; however, changes in federal law also require additional families to have this check completed. Thus, the fees for this screening will be new costs, if the agency chooses to pay it on behalf of their prospective foster families.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each adult living in the home of prospective foster or adoptive parents of children in state custody will be charged \$10 for the cost of fingerprint screening under this rule. The fingerprint screening is a new requirement under both state and federal law. In most instances, the families will bear the cost. For a small percentage of families, a child placing agency may pay this cost on their behalf.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses such as child placing agencies that utilize proctor families serving children in state custody may see a slight cost savings under the new fee structure for those families that required the fingerprint screening previously; however, changes in federal law also require additional families to have this check completed. Therefore, if the agency chooses to pay it for the prospective foster families, the fees for this screening will be new costs. Lisa-Michele Church, Executive Director

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2007.

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

AUTHORIZED BY: Duane Betournay, Director

R512. Human Services, Child and Family Services.
R512-51. Fee Collection for Criminal Background Screening for Prospective Foster and Adoptive Parents and for Employees of Other Department of Human Services Licensed Programs.

R512-51-1. Purpose and Authority.

A. The purpose of this rule is to enable the Division of Child and Family Services to collect fees for processing criminal background screenings. These screenings are for prospective foster and adoptive parents of children in state custody and other adults in the home as required by Public Law 109-248 and Section 78-3a-307.1. These screenings are also for employees of other licensed programs upon request of the Office of Licensing as authorized by Section 62A-2-120, as capacity allows.

R512-51-2. Fee Collection for Electronic Fingerprint Scanning.

A. It is the responsibility of Child and Family Services Regional Offices to collect fees for electronic fingerprint scanning for the purpose of criminal background screening for prospective foster and adoptive parents of children in state custody and other adults in the home and for employees of other Department of Human Services licensed programs.

B. The amount of the fee charged for electronic fingerprint scanning will be approved by the Board of Child and Family Services as required by Section 62A-4a-102 and will not exceed the amount being charged for the same service from the Department of Public Safety, Bureau of Criminal Identification.

R512-51-3. Fee Collection for Cost of Submission of Electronic Fingerprints for Criminal Background Check.

A. Child and Family Services has the option to collect fees for all or part of the actual cost of submission of electronic fingerprints for criminal background checks through the Department of Public Safety, Bureau of Criminal Identification and the Federal Bureau of Investigation.

B. Child and Family Services may elect to pay all or part of this cost for prospective foster and adoptive parents of children in state custody and other adults in the home, subject to legislative funding for this purpose.

C. Child and Family Services will not pay any of the cost of submission of electronic fingerprints for criminal background checks for employees of other Department of Human Services licensed programs, but may submit the electronic fingerprints upon verification of payment of those fees by the Office of Licensing or designee.

KEY: criminal background screening, fees, foster care, adoption Date of Enactment or Last Substantive Amendment: 2007 Authorizing, and Implemented or Interpreted Law: Pub. L. No. 109-248; 78-3a-307.1



Human Services, Services for People
with Disabilities
R539-1-11
Social Security Numbers

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE No.: 30426
FILED: 09/06/2007, 13:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is needed to assure compliance with Medicaid regulations and administrative consistency for management information systems for all division services.

SUMMARY OF THE RULE OR CHANGE: The division provides services under both federal and state law. Federal programs currently require a valid Social Security number to be eligible.

This rule will require applicants for services funded only by state funds to provide a valid Social Security number. The division information systems are designed to use the Social Security number as an identifier. It is more equitable and efficient to require all applicants for division services to provide a valid Social Security number.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-5-105

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 42 CFR 435.910, 1997 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule will not effect the state budget because it will not affect the number of individuals receiving

division services. It will affect individuals who do not apply for a Social Security number or cannot qualify to receive one.

❖ **LOCAL GOVERNMENTS:** Local governments will not be affected by this rule because they do not provide the same services as the division.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Small businesses should not be affected by this rule. Businesses that have contracts with the division will continue to provide the same services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected individuals could have the small costs that are normally associated with applying for a Social Security number.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should not have a fiscal impact on businesses because the division will continue to use current contractors to provide services without any change and it will not affect the amount paid under any contract. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
Room 411
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at 801-538-4197, by FAX at 801-538-4279, or by Internet E-mail at sbradford@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 10/31/2007.

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

AUTHORIZED BY: George Kelner, Director

R539. Human Services, Services for People with Disabilities.

R539-1. Eligibility.

R539-1-11. Social Security Numbers.

(1) The Division requires persons applying for services to provide a valid Social Security Number. The Division adopts the same standard as Utah Administrative Code, Rule R414-302-5 and 42 CFR 435.910, 1997 ed., which is incorporated by reference.

KEY: human services, disabilities, social security numbers

Date of Enactment or Last Substantive Amendment: ~~August 22, 2006~~ 2007

Notice of Continuation: December 18, 2002

Authorizing, and Implemented or Interpreted Law: 62A-5-103; 62A-5-105



Human Services, Services for People with Disabilities **R539-11** Family Preservation Pilot Program

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 30399

FILED: 09/06/2007, 10:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed new rule is to establish eligibility procedures and standards for the Family Preservation Pilot program.

SUMMARY OF THE RULE OR CHANGE: This new rule identifies the persons who may be eligible for the Family Preservation Pilot program and the standards that must be met to complete the eligibility process.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-5-103.2

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There will be no cost or savings to the state budget. The program will be operated within the money appropriated. It is anticipated that if the pilot is successful, persons on Division services may require fewer services because they have a more stable and supportive family. The impact would be that the division could provide more services, but would not necessarily reduce the overall costs.

❖ **LOCAL GOVERNMENTS:** After careful analysis, if this rule is implemented, there is a potential that local governments could be favorably impacted if the pilot program reduces the need for local government mental health or other social services. When families break up, local mental health and social services must provide additional services. The Family Preservation program could alleviate some of these costs for local governments.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** After careful analysis, there should be no cost or savings to small businesses because the impact of this rule would be on individual families. Small businesses would not be regulated or asked to increase any costs due to this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected individuals. Individual families will be provided these Family Preservation services at no cost.

There will be no compliance costs if families do not choose to participate in the Family Preservation program. There are no compliance issues related to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Family Preservation Pilot Program will not impact private businesses. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
Room 411
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at 801-538-4197, by FAX at 801-538-4279, or by Internet E-mail at sbradford@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 10/31/2007.

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

AUTHORIZED BY: George Kelner, Director

R539. Human Services, Services for People with Disabilities.

R539-11. Family Preservation Pilot Program.

R539-11-1. Purpose and Authority.

(1) The purpose of this rule is to provide:
(a) procedures and standards for the determination of eligibility for the Division's pilot program to provide Family Preservation Services for Persons on the Division's Waiting List as specified in R539-2-4.

(2) This rule is authorized by Section 62A-5-103.2

R539-11-2. Definitions.

Terms used in this rule are defined in Section 62A-5-101, and "Person": Individual who meets eligibility requirements in Rule R539-1.

"Active Status": Has a current Needs Assessment Score on Division wait list.

"Participate fully": Follow through with assignments and accept guidance and clinical judgment regarding treatment issues of Professional and clinical team. Also to complete Self Inventory Assessments.

"Time-limited": Workshops run for six weeks. Follow up services will not exceed six weeks following the end of the workshops. Total time of participation for any one family is three months.

R539-11-3. Person's Eligibility.

(1) A person who meets the eligibility requirements listed in Section 62A-5-103.2 may participate in the Family Preservation Pilot Program provided that:

the person agrees to enter services under the conditions listed in Section 62A-5-103.2.

the person agrees to use an approved provider.

The person is currently in active status on the Division wait list.

R539-11-4. Family's Eligibility.

(1) A family who has a person who meets the eligibility requirements listed in Rule R539-1 living in their home, may participate in the Family Preservation Pilot Program provided:

The family agrees to have their wait list needs assessment re-evaluated approximately six months after completing participation in pilot program.

The family agrees to sign a participation agreement agreeing to participate fully in pilot program.

The family agrees to time-limited services.

The family agrees to access services that can be purchased from providers, through Division contracted providers.

R539-11-5. Priority.

People will be served in the order in which they apply to participate in the pilot program in the respective geographical area in which they live and as space becomes available in workshops.

R539-11-6. Service Brokering.

(1) Persons eligible for the Supported Employment Pilot Program may also use Service Brokering services.

KEY: disabilities

Date of Enactment or Last Substantive Amendment: 2007

Authorizing, and Implemented or Interpreted Law: 62A-5-103.2

◆ ————— ◆
Insurance, Administration
R590-118
Licensing Examination Rule

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 30446

FILED: 09/14/2007, 10:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being repealed since the insurance code contains the necessary requirements for licensing examination.

SUMMARY OF THE RULE OR CHANGE: Section R590-118-4 is no longer needed since Utah has adopted the National Association of Insurance Commissioners (NAIC) Uniformity Guidelines, including the licensing exemption standards. This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-23-207, 31A-23-211, and 31A-26-207

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The repeal of this rule will have no fiscal impact on the state's budget. There will be no change to the workload at the department or the forms that are filed with the department. No additional people will need to be hired.

❖ LOCAL GOVERNMENTS: Since the rule deals with the relationship between the department and their licensees local governments will not be affected by its repeal.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The repeal of this rule will have no impact on insurance consumers since the rule deals only with insurance licensing applicants. Its repeal will have no fiscal impact on the great majority of these applicants. Those with an insurance designation that either have not had an insurance license or their license has been lapsed for more than one year will need to take a licensing examination to obtain a license. They are exempt from that requirement under the current rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The repeal of this rule will have no impact on insurance consumers since the rule deals only with insurance licensing applicants. Its repeal will have no fiscal impact on the great majority of these applicants. Those with an insurance designation that either have not had an insurance license or their license has been lapsed for more than one year will need to take a licensing examination to obtain a license. They are exempt from that requirement under the current rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have almost no fiscal impact on businesses. D. Kent Michie, Commissioner

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2007.

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

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

~~R590-118. Licensing Examination Rule.~~

~~R590-118-1. Authority.~~

~~— This rule is promulgated by the Commissioner of Insurance pursuant to Section 31A-2-201(3) authorizing rules to implement the Utah Insurance Code and Sections 31A-23-207(1), 31A-26-207(1) and 31A-23-211(5)(a) permitting the commissioner to require and provide for the administration of examinations for designated license classes.~~

~~R590-118-2. Purpose and Scope.~~

~~— A. The purpose of this rule is to provide for the administration of qualification examinations for licenses permitted in Sections 31A-23-207(1), 31A-26-207(1) and 31A-23-211(5)(a).~~

~~— B. The rule shall apply to all designated prospective individual license classes under the Insurance Code except Surplus Lines and Managing General Agent, and for all lines of insurance except Credit Life and Disability.~~

~~R590-118-3. Definitions.~~

~~— For the purposes of this rule "Candidate Pass Ratio" is the proportion of individual candidates who successfully complete the examination, rather than the number of examinations attempted. Candidate rather than examination data is used to prevent the skewing of results caused by multiple failures by marginal candidates.~~

~~R590-118-4. Examination.~~

~~— A. Requirement. Examinations shall be required to qualify candidates for all lines of insurance listed under Sections 31A-23-204 and 31A-26-204 except credit life and disability or other limited lines designated by the commissioner, and examinations shall also be required for the licensure classes of Agent, Broker, Consultant, and Adjuster. Surplus line and Managing General Agent licenses do not require an examination.~~

~~— B. Administration. With the exception of NASD examinations for variable annuity licensure, all license examinations shall be administered, upon order of the commissioner, by an examination contractor according to Insurance Department specifications.~~

~~— C. Procedures. Examination procedures are set forth in detail in a publication entitled "Utah Insurance Department Licensing Information Bulletin," which is available from the Insurance Department. An applicant must take and pass the examination for the type of license which is being applied for. The license application, examination registration form and the correct license fee, as required in Rule R590-102, must be submitted to the Insurance Department within 90 days of the examination pass date in order for a license to be issued. After 90 days, the examination must be retaken. Individuals currently licensed as agents who are applying for a broker or consultant license must request and receive approval from the Insurance Department before registering for an examination.~~

~~R590-118-5. Conditions or Exceptions.~~

~~— A. This rule does not apply to applicants for Surplus Line Broker, Managing General Agent, Credit Life and Disability, or other limited agent licenses for lines of insurance designated by the commissioner.~~

~~— B. The examination required of an agent or broker applicant for the applicable lines of insurance shall be waived by the commissioner if the applicant holds the designation of Fellow, Life Management Institute (FLMI), Chartered Life Underwriter (CLU) or Chartered Property Casualty Underwriter (CPCU).~~

~~— C. The examination required of Life/Health Consultants shall be waived for holders of the following designations: Fellow, Life Management Institute (FLMI); Chartered Life Underwriter (CLU); Chartered Financial Consultant (ChFC); or Certified Financial Planner (CFP). The examination required of Property/Liability Consultants shall be waived for holders of the Chartered Property Casualty Underwriter (CPCU) designation.~~

~~— D. An individual moving from another state to Utah must obtain a letter of clearance and complete the required examination process, which would take into account retaliatory requirements, within 90 days~~

from the date the person's license was cancelled in their home state. If action is not taken until after the 90 day deadline the individual must meet all of the Utah resident licensing requirements.

~~— E. If an individual moves from Utah to another state, becomes licensed in that state, and then moves back to Utah, the individual may request reinstatement of their Utah resident license. The license will be reinstated without the requirement of examination if reinstatement is within one year from the date the letter of clearance was issued by the Utah Insurance Department.~~

~~— F. Section 31A-23-201(2) that permits the commissioner to recognize additional license classifications as to other types of insurance, and Section 31A-23-201(2) that permits the exemption, by the commissioner, of certain classes of persons from the requirements of licensure, are not the subject of this rule.~~

R590-118-6. Separability.

~~— If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstances may not be affected.~~

KEY: insurance, occupational licensing

~~**Date of Enactment or Last Substantive Amendment: October 1, 1996**~~

~~**Notice of Continuation: April 13, 2007**~~

~~**Authorizing, and Implemented or Interpreted Law: 31A-23-206; 31A-23-207]**~~

◆ ————— ◆

Insurance, Administration R590-242 Military Sales Practices

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 30452

FILED: 09/14/2007, 15:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices.

SUMMARY OF THE RULE OR CHANGE: The purpose of this rule is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain practices to be false, misleading, deceptive, or unfair.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-23a-402

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This rule will have no fiscal impact on the department or state's budget. No additional filings will be required of insurers and no change in the workload at the department will result.

❖ **LOCAL GOVERNMENTS:** Local governments should not be affected by this rule since it deals with the relationship between the department and its licensees.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This rule will not require department licensees, i.e., insurers and producers, to file reports or develop new forms. Insurance licensee will need to learn the restrictions contained in the rule and comply. The rule was developed at the urging of the federal government to protect military personnel from financial harm.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule will not require department licensees, i.e., insurers and producers, to file reports or develop new forms. Insurance licensee will need to learn the restrictions contained in the rule and comply. The rule was developed at the urging of the federal government to protect military personnel from financial harm.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses except those who profited off the abuse of military personnel. D. Kent Michie, Commissioner

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2007.

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

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R590. Insurance, Administration.
R590-242. Military Sales Practices.
R590-242-1. Authority.**

This rule is promulgated pursuant to Subsection 31A-23a-402(8)(a) and Subsection 31A-2-201(3)(a) wherein the commissioner may make rules to implement the provisions of Title 31A.

R590-242-2. Purpose.

(1) The purpose of this rule is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices.

(2) Nothing herein shall be construed to create or imply a private cause of action for a violation of this rule.

R590-242-3. Scope.

This rule shall apply only to the solicitation, negotiation, or sale of any life insurance product, including annuities, by an insurer or insurance producer to an active duty service member of the United States Armed Forces.

R590-242-4. Findings.

The commissioner finds that the acts prohibited by this rule are misleading, deceptive, unfairly discriminatory, and provide an unfair inducement.

R590-242-5. Exemptions.

(1) This rule shall not apply to solicitations, negotiations, or sales involving:

- (a) credit insurance;
- (b) group life insurance or group annuities where there is no in-person, face-to-face solicitation of individuals by an insurance producer or where the contract or certificate does not include a side fund;
- (c) an application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised; or, when the existing policy or contract is being replaced by the same insurer pursuant to a program filed with and approved by the commissioner; or, when a term conversion privilege is exercised among corporate affiliates;
- (d) individual stand-alone health policies, including disability income policies;
- (e) contracts offered by Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI), as authorized by 38 U.S.C. Section 1965 et seq.;
- (f) life insurance contracts offered through or by a non-profit military association, qualifying under Section 501(c)(23) of the Internal Revenue Code (IRC), and which are not underwritten by an insurer; or
- (g) contracts used to fund:
 - (i) an employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);
 - (ii) a plan described by Sections 401(a), 401(k), 403(b), 408(k), or 408(p) of the IRC, as amended, if established or maintained by an employer;
 - (iii) a government or church plan defined in Section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the IRC;
 - (iv) a nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;
 - (v) settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or
 - (vi) prearranged funeral contracts.

(2) Nothing herein shall be construed to nullify the ability of nonprofit organizations to educate members of the United States Armed Forces in accordance with Department of Defense DoD Instruction 1344.07 - PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS or successor directive.

(3) For purposes of this rule, general advertisements, direct mail and internet marketing shall not constitute "solicitation". Telephone marketing shall not constitute "solicitation" provided the caller explicitly and conspicuously discloses that the product concerned is life insurance and makes no statements that avoid a

clear and unequivocal statement that life insurance is the subject matter of the solicitation. Provided however, nothing in this subsection shall be construed to exempt an insurer or insurance producer from this rule in any in-person, face-to-face meeting established as a result of the "solicitation" exemptions identified in this subsection.

R590-242-6. Definitions.

In addition to the definitions of Section 31A-1-301, the following definitions shall apply for the purposes of this rule:

(1) "Active Duty" means full-time duty in the active military service of the United States and includes members of the reserve component, National Guard and Reserve, while serving under published orders for active duty or full-time training. The term does not include members of the reserve component who are performing active duty or active duty for training under military calls or orders specifying periods of less than 31 calendar days.

(2) "Department of Defense (DoD) Personnel" means all active duty service members and all civilian employees, including nonappropriated fund employees and special government employees, of the Department of Defense.

(3) "Door to Door" means a solicitation or sales method whereby an insurance producer proceeds randomly or selectively from household to household without prior specific appointment.

(4) "General Advertisement" means an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance, or the promotion of the insurer or the insurance producer.

(5) "Known" or "Knowingly" means, depending on its use herein, the insurance producer or insurer had actual awareness, or in the exercise of ordinary care should have known, at the time of the act or practice complained of, that the person solicited:

- (a) is a service member; or
- (b) is a service member with a pay grade of E-4 or below.
- (6) "Military Installation" means any federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing, and family quarters.

(7) "MyPay" is a Defense Finance and Accounting Service (DFAS) web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms.

(8) "Service Member" means any active duty officer, commissioned and warrant, or enlisted member of the United States Armed Forces.

(9) "Side Fund" means a fund or reserve that is part of or otherwise attached to a life insurance policy, excluding individually issued annuities, by rider, endorsement or other mechanism which accumulates premium or deposits with interest or by other means. The term does not include:

- (a) accumulated value or cash value or secondary guarantees provided by a universal life policy;
- (b) cash values provided by a whole life policy which are subject to standard nonforfeiture law for life insurance; or
- (c) a premium deposit fund which:
 - (i) contains only premiums paid in advance which accumulate at interest;
 - (ii) imposes no penalty for withdrawal;
 - (iii) does not permit funding beyond future required premiums;
 - (iv) is not marketed or intended as an investment; and
 - (v) does not carry a commission, either paid or calculated.

(10) "Specific Appointment" means a prearranged appointment agreed upon by both parties and definite as to place and time.

(11) "United State Armed Forces" means all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.

R590-242-7. Practices Declared False, Misleading, Deceptive or Unfair on a Military Installation.

(1) The following acts or practices when committed on a military installation by an insurer or insurance producer with respect to the in-person, face-to-face solicitation, negotiation, or sale of life insurance are declared to be false, misleading, deceptive or unfair:

(a) Knowingly soliciting the purchase of any life insurance product "door to door" or without first establishing a specific appointment for each meeting with the prospective purchaser.

(b) Soliciting service members in a group or "mass" audience or in a "captive" audience where attendance is not voluntary.

(c) Knowingly making appointments with or soliciting service members during their normally scheduled duty hours.

(d) Making appointments with or soliciting service members in barracks, day rooms, unit areas, or transient personnel housing or other areas where the installation commander has prohibited solicitation.

(e) Soliciting the sale of life insurance without first obtaining permission from the installation commander or the commander's designee.

(f) Posting unauthorized bulletins, notices or advertisements.

(g) Failing to present DD Form 2885, Personal Commercial Solicitation Evaluation, to service members solicited or encouraging service members solicited not to complete or submit a DD Form 2885.

(h) Knowingly accepting an application for life insurance or issuing a policy of life insurance on the life of an enlisted member of the United States Armed Forces without first obtaining for the insurer's files a completed copy of any required form which confirms that the applicant has received counseling or fulfilled any other similar requirement for the sale of life insurance established by regulations, directives or rules of the DoD or any branch of the Armed Forces.

(2) The following acts or practices when committed on a military installation by an insurer or insurance producer constitute corrupt practices, improper influences or inducements and are declared to be false, misleading, deceptive or unfair:

(a) Using DoD personnel, directly or indirectly, as a representative or agent in any official or business capacity with or without compensation with respect to the solicitation or sale of life insurance to service members.

(b) Using an insurance producer to participate in any United States Armed Forces sponsored education or orientation program.

R590-242-8. Practices Declared False, Misleading, Deceptive or Unfair Regardless of Location.

(1) The following acts or practices by an insurer or insurance producer constitute corrupt practices, improper influences or inducements and are declared to be false, misleading, deceptive or unfair:

(a) Submitting, processing or assisting in the submission or processing of any allotment form or similar device used by the United States Armed Forces to direct a service member's pay to a third party for the purchase of life insurance. The foregoing includes, but is not limited to, using or assisting in using a service member's "MyPay" account or other similar internet or electronic

medium for such purposes. This subsection does not prohibit assisting a service member by providing insurer or premium information necessary to complete any allotment form.

(b) Knowingly receiving funds from a service member for the payment of premium from a depository institution with which the service member has no formal banking relationship. For purposes of this section, a formal banking relationship is established when the depository institution:

(i) provides the service member a deposit agreement and periodic statements and makes the disclosures required by the Truth in Savings Act, 12 U.S.C. Section 4301 et seq. and the rules promulgated thereunder; and

(ii) permits the service member to make deposits and withdrawals unrelated to the payment or processing of insurance premiums.

(c) Employing any device or method or entering into any agreement whereby funds received from a service member by allotment for the payment of insurance premiums are identified on the service member's Leave and Earnings Statement or equivalent or successor form as "Savings" or "Checking" and where the service member has no formal banking relationship as defined in subsection 7(1)(b).

(d) Entering into any agreement with a depository institution for the purpose of receiving funds from a service member whereby the depository institution, with or without compensation, agrees to accept direct deposits from a service member with whom it has no formal banking relationship.

(e) Using DoD personnel, directly or indirectly, as a representative or agent in any official or unofficial capacity with or without compensation with respect to the solicitation or sale of life insurance to service members who are junior in rank or grade, or to the family members of such personnel.

(f) Offering or giving anything of value, directly or indirectly, to DoD personnel to procure their assistance in encouraging, assisting or facilitating the solicitation, negotiation, or sale of life insurance to another service member.

(g) Knowingly offering or giving anything of value to a service member with a pay grade of E-4 or below for his or her attendance to any event where an application for life insurance is solicited.

(h) Advising a service member with a pay grade of E-4 or below to change his or her income tax withholding or state of legal residence for the sole purpose of increasing disposable income to purchase life insurance.

(2) The following acts or practices by an insurer or insurance producer lead to confusion regarding source, sponsorship, approval or affiliation and are declared to be false, misleading, deceptive or unfair:

(a) Making any representation, or using any device, title, descriptive name or identifier that has the tendency or capacity to confuse or mislead a service member into believing that the insurer, insurance producer or product offered is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, the United States Armed Forces, or any state or federal agency or government entity.

(i) Examples of prohibited insurance producer titles include, but are not limited to, "Battalion Insurance Counselor," "Unit Insurance Advisor," "Servicemen's Group Life Insurance Conversion Consultant" or "Veteran's Benefits Counselor".

(ii) Nothing herein shall be construed to prohibit a person from using a professional designation awarded after the successful

completion of a course of instruction in the business of insurance by an accredited institution of higher learning.

(iii) Such designations include, but are not limited to, Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), Certified Financial Planner (CFP), Master of Science in Financial Services (MSFS), or Masters of Science Financial Planning (MS).

(b) Soliciting the purchase of any life insurance product through the use of or in conjunction with any third party organization that promotes the welfare of or assists members of the United States Armed Forces in a manner that has the tendency or capacity to confuse or mislead a service member into believing that either the insurer, insurance producer or insurance product is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, or the United States Armed Forces.

(3) The following acts or practices by an insurer or insurance producer lead to confusion regarding premiums, costs or investment returns and are declared to be false, misleading, deceptive or unfair:

(a) Using or describing the credited interest rate on a life insurance policy in a manner that implies that the credited interest rate is a net return on premium paid.

(b) Excluding individually issued annuities, misrepresenting the mortality costs of a life insurance product, including stating or implying that the product "costs nothing" or is "free".

(4) The following acts or practices by an insurer or insurance producer regarding SGLI or VGLI are declared to be false, misleading, deceptive or unfair:

(a) Making any representation regarding the availability, suitability, amount, cost, exclusions or limitations to coverage provided to a service member or dependents by SGLI or VGLI, which is false, misleading or deceptive.

(b) Making any representation regarding conversion requirements, including the costs of coverage, or exclusions or limitations to coverage of SGLI or VGLI to private insurers, which is false, misleading or deceptive.

(c) Suggesting, recommending or encouraging a service member to cancel or terminate his or her SGLI policy or issuing a life insurance policy which replaces an existing SGLI policy unless the replacement shall take effect upon or after the service member's separation from the United States Armed Forces.

(5) The following acts or practices by an insurer and or insurance producer regarding disclosure are declared to be false, misleading, deceptive or unfair:

(a) Deploying, using or contracting for any lead generating materials designed exclusively for use with service members that do not clearly and conspicuously disclose that the recipient will be contacted by an insurance producer, if that is the case, for the purpose of soliciting the purchase of life insurance.

(b) Failing to disclose that a solicitation for the sale of life insurance will be made when establishing a specific appointment for an in-person, face-to-face meeting with a prospective purchaser.

(c) Excluding individually issued annuities, failing to clearly and conspicuously disclose the fact that the product being sold is life insurance.

(d) Failing to make, at the time of sale or offer to an individual known to be a service member, the written disclosures required by Section 10 of the "Military Personnel Financial Services Protection Act," Pub. L. No. 109-290, p.16.

(e) Excluding individually issued annuities, when the sale is conducted in-person face-to-face with an individual known to be a

service member, failing to provide the applicant at the time the application is taken:

(i) an explanation of any free look period with instructions on how to cancel if a policy is issued; and

(ii) either a copy of the application or a written disclosure. The copy of the application or the written disclosure shall clearly and concisely set out the type of life insurance, the death benefit applied for and its expected first year cost. A basic illustration that meets the requirements of R590-177, Life Insurance Illustrations Rule, shall be deemed sufficient to meet this requirement for a written disclosure.

(6) The following acts or practices by an insurer or insurance producer with respect to the sale of certain life insurance products are declared to be false, misleading, deceptive or unfair:

(a) Excluding individually issued annuities, recommending the purchase of any life insurance product which includes a side fund to a service member in pay grades E-4 and below unless the insurer has reasonable grounds for believing that the life insurance death benefit, standing alone, is suitable.

(b) Offering for sale or selling a life insurance product which includes a side fund to a service member in pay grades E-4 and below who is currently enrolled in SGLI, is presumed unsuitable unless, after the completion of a needs assessment, the insurer demonstrates that the applicant's SGLI death benefit, together with any other military survivor benefits, savings and investments, survivor income, and other life insurance are insufficient to meet the applicant's insurable needs for life insurance.

(i) "Insurable needs" are the risks associated with premature death taking into consideration the financial obligations and immediate and future cash needs of the applicant's estate and survivors or dependents.

(ii) "Other military survivor benefits" include, but are not limited to: the Death Gratuity, Funeral Reimbursement, Transition Assistance, Survivor and Dependents' Educational Assistance, Dependency and Indemnity Compensation, TRICARE Healthcare benefits, Survivor Housing Benefits and Allowances, Federal Income Tax Forgiveness, and Social Security Survivor Benefits.

(c) Excluding individually issued annuities, offering for sale or selling any life insurance contract which includes a side fund:

(i) unless interest credited accrues from the date of deposit to the date of withdrawal and permits withdrawals without limit or penalty;

(ii) unless the applicant has been provided with a schedule of effective rates of return based upon cash flows of the combined product. For this disclosure, the effective rate of return will consider all premiums and cash contributions made by the policyholder and all cash accumulations and cash surrender values available to the policyholder in addition to life insurance coverage. This schedule will be provided for at least each policy year from one to ten and for every fifth policy year thereafter ending at age 100, policy maturity or final expiration; and

(iii) which, by default, diverts or transfers funds accumulated in the side fund to pay, reduce or offset any premiums due.

(d) Excluding individually issued annuities, offering for sale or selling any life insurance contract which after considering all policy benefits, including but not limited to endowment, return of premium or persistency, does not comply with 31A-22-408, Standard Nonforfeiture Law for Life Insurance.

(e) Selling any life insurance product to an individual known to be a service member that excludes coverage if the insured's death is related to war, declared or undeclared, or any act related to military

service except for an accidental death coverage which may be excluded.

R590-242-9. Penalties.

A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R590-242-10. Enforcement Date.

The commissioner will begin enforcing the provisions of this rule on January 1, 2008.

R590-242-11. Severability.

If any provision or portion of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule or the applicability of the provision to other persons or circumstances shall not be affected.

KEY: insurance, military sales practices

Date of Enactment or Last Substantive Amendment: 2007

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-402



Public Safety, Peace Officer Standards
and Training

R728-404

Basic Training Basic Academy Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30388

FILED: 09/04/2007, 11:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to update the academic requirements for an individual to pass Peace Officer Standards and Training (POST) courses; and to update the dormitory rules since POST has moved into a new facility, and no longer maintains the dormitories.

SUMMARY OF THE RULE OR CHANGE: The rule will update the academic percentages from 70% to 80% in order to pass a quiz or exam. This rule will also update the rules as it applies to the dormitory facility. The facility is now managed by the Salt Lake Community College. Therefore, students will be required to abide by those rules established by the community college and the building oversight committee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-6-105(k)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The proposed amendment to this rule will not have a cost or savings to the state budget because it updates the exam score average and the rules of conduct of the dormitory facility.

❖ LOCAL GOVERNMENTS: The proposed amendment to this rule will not have a cost or savings to local government because it updates the exam score average and the rules of conduct of the dormitory facility.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The proposed amendment to this rule will not have a cost or savings to small businesses because it updates the exam score average and the rules of conduct of the dormitory facility.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment to this rule will not have a cost or savings to any affected person because it updates the exam score average and the rules of conduct of the dormitory facility.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It has been determined that there will be no fiscal impact on any government agency or any other persons. Scott Duncan, Commissioner

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

PUBLIC SAFETY

PEACE OFFICER STANDARDS AND TRAINING

410 W 9800 S

SANDY UT 84070, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steve Winward at the above address, by phone at 801-256-2326, by FAX at 801-256-0600, or by Internet E-mail at swinward@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 10/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 11/12/2007

AUTHORIZED BY: Scott T Duncan, Commissioner

R728. Public Safety, Peace Officer Standards and Training.

R728-404. Basic Training Basic Academy Rules.

R728-404-2. Graduation Requirements.

A. Written Examinations and Quizzes.

1. Examinations and quizzes are a necessary method of testing not only the student's substantive knowledge, but also their reading, comprehension, and reasoning abilities, all of which are essential criteria for proper performance of peace officer functions. They will be given as indicated in the curriculum schedule. Examinations are given on the honor basis. Evidence of dishonor will result in dismissal from the Academy. Students must score an average of 80%~~[a minimum of 70%]~~ on all exams except the first aid, arrest control, and certification exams where a minimum of 80% must be scored.

2. The cadet is required to maintain an 80% weighted average or higher from each weekly quiz. If a cadet falls below the 80% weighted average after three weeks in the academy, they will be counseled by the training staff and may be offered remediation.~~[All quizzes will be figured together to make one major examination.~~

~~70% must be scored in order to pass. This examination will be treated like all other examinations for retake purposes.]~~

~~3. The cadet is required to pass each exam with 80%. If a cadet fails the exam they will be offered remediation from the training staff and allowed one retake. For purposes of academic excellence awards, the first exam will be used in the calculation. [If a student fails a preliminary examination, he will be allowed to take a make-up exam. Regardless of what passing grade is earned on the make-up exam, the student will be given the minimum passing grade of 70% or 80% depending on which exam it is. If the score is less than the required score on the make-up examination, the student will be dismissed from the Academy and invited to return at a later date and attend another session. Should the student pass the make-up exam, but at a later date fail a second examination, he will not be allowed to take a second make-up exam and will be dismissed from the Academy but invited to return at a later date and attend another session.]~~

4. A final Certification Examination will be required of each student in order to achieve peace officer/special function officer certification or become certifiable. A minimum score of 80% must be scored. If the score is less than 80%, the student will be allowed to take one make-up exam to achieve the required 80%. Make-up exams must be taken prior to one year from the date of the initial exam. If the student fails to achieve 80% on the make-up certification examination, he will be required to go through the training again to achieve certification or become certifiable (be eligible to be certified when hired in a position requiring certification.) It will be the policy of the Academy to cover the expenses of a returning sponsored student; however, if a sponsored student is twice suspended from the Academy and that student continues in his attempt to complete the Academy, it will become the responsibility of the sponsoring agency and/or the student to pay the tuition assessed by the Academy. Returning self-sponsored students will be responsible for their expenses and tuition.

B. Participation.

Students will actively participate in physical fitness training, practical problems, classroom work, tours, graduation exercises, and any other activities unless specifically excused by the training supervisor.

C. Reports.

Students may be required to complete written reports. All reports will be graded on a pass/fail basis.

D. Firearms Qualification.

1. Requirements.

Students attending a basic peace officer training course will:

- a. participate in firearms training and demonstrate the ability to safely handle a firearm, and
- b. pass the POST approved qualification course(s) at or above the required score.

2. Retesting.

Students who fail to qualify on any qualification course will receive one opportunity to retake the course(s) and qualify. Retests will be scheduled by the POST Firearms Instructor and applicable training supervisor.

Note: The POST Staff Firearms Instructor has the discretion of deciding if mitigating circumstances should be taken into consideration when a student fails any qualification or requalification course. Mitigating circumstances include:

- a. weather,
- b. quality/quantity of instructors,
- c. equipment problems,
- d. medical problems,

e. etc.

If the POST Staff Firearms Instructor decides there were one or more circumstances beyond the control of the student or the instructor and the student fails to qualify, the POST Staff Firearms Instructor may schedule a retest.

E. Vehicle Operation.

1. Requirements.

Students attending a basic peace officer training course will:

- a. participate in all scheduled classroom and practical vehicle operation training (any training missed must be made up before a student can graduate and be certified or become certifiable),
- b. demonstrate the ability to safely handle a vehicle in an emergency situation, and
- c. pass the POST approved qualification course(s) at or above the required score.

2. Retesting.

Students who fail to qualify on any qualification course will:

- a. have four more opportunities to qualify on the day of the test;
- b. after remedial training the student will have three more opportunities to qualify at a later date which will be scheduled by the driving instructor and the training supervisor.

Note: The POST Staff Vehicle Operation Instructor has the discretion of deciding if mitigating circumstances should be taken into consideration when a student fails any qualification or requalification course. Mitigating circumstances include but are not limited to:

- a. weather,
- b. quality/quantity of instructors,
- c. equipment problems,
- d. medical problems,
- e. etc.

If the POST Staff Vehicle Operation Instructor decides there were one or more circumstances beyond the control of the student and the student fails to qualify, the POST Staff Vehicle Operation Instructor may schedule a retest.

F. Physical Training.

Participation in physical training is required during the basic academy program. Students will be required to take the physical assessment test at the end of the peace officer program and score at the 50th percentile in each exercise to graduate. If a student fails to pass the physical assessment test, one retest will be administered before the graduation ceremony. Should students fail to meet the physical fitness testing requirements, they will not be permitted to have their picture taken with the class or graduate with the class.

G. Arrest Control/Baton.

1. Requirements.

Students attending a basic peace officer training course will:

- a. participate in scheduled arrest control/baton training,
- b. demonstrate the ability to apply arrest control and baton techniques, and
- c. pass a POST approved practical examination.

2. Retesting.

H. Failure to Qualify in a Skill Area.

1. Students who fail to qualify in any skill area during a basic training program, will have four years to meet the approved standard before they will be required to go back through an academy program.

2. Retesting during the four year period will be at the convenience of POST and a testing fee will be imposed each time a test is administered.

3. POST may refuse to administer a test at any time if POST feels it's in the best interest of the individual and/or POST.

I. Counsel.

Individual counseling is available to any student on request to his class training supervisor.

J. Make-Up Policy.

1. All requirements must be satisfied before a student can graduate and become certifiable or certified.

2. Basic training supervisors will notify the student and his department head of any deficiencies in meeting graduation requirements.

3. The student and department head will be advised of the policy and procedures involved in the make-up of any deficiencies for graduation and certification.

4. Should a student become ill or injured to such an extent that it is impossible or unwise to participate in any part of the academy training, a doctor must be seen by the student. A written explanation must be obtained from the doctor and presented to the student's training supervisor.

K. Attendance.

1. Students will be required to attend all training unless an emergency exists or a valid excuse is given.

2. More than three unexcused absences may result in suspension from the Academy. Acceptable excuses include but are not limited to illness, court, and death of an immediate family member. Whenever possible, absences will be cleared through the student's Academy supervisor before the absence occurs. It is the student's responsibility to contact the Academy supervisor when he is absent or late. Attendance information may be made available to department heads periodically.

3. Anyone who is tardy three times without an acceptable excuse may be subject to disciplinary action.

4. In no case will a student be certified or become certifiable who has missed more than 10% of the basic course until the necessary make-up work has been completed.

5. If a student has missed a significant part of any block of instruction, as determined by the POST staff, he will not be certified or become certifiable until the necessary make-up work is completed.

6. Under no circumstances will a student graduate if he misses any of the following classes until they are made-up:

- a. Ethics and Professionalism,
- b. Laws of Arrest,
- c. Laws of Search and Seizure,
- d. Use of Force,
- e. First Aid (CPR only),
- f. Emergency Vehicle Operation,
- g. Vehicle Operation Liability,
- h. Vehicle Operation Practical,
- i. Arrest Control Practical Examination,
- j. Firearms Safety,
- k. Firearms Range/Day Shooting (qualification only),
- l. Firearms Range/Night Shooting,
- m. Reasonable Force,
- n. Firearms Decision Making, or
- o. Crimes-In-Progress (practical only).

L. Grounds for Dismissal From Basic Training:

1. failure to meet the minimum academic standard,
2. failure to meet the physical fitness standard,
3. failure to achieve 80% on the State Certification exam,
4. evidence of any health problem that would keep the student from successfully completing the basic training program,
5. failure to comply with Academy rules,
6. failure to meet the standards as stated in Section 53-6-203, or
7. failure to satisfactorily perform in any of the skill areas required during basic training.

R728-404-9. Dormitory Facilities.

All students will comply with the residency requirements for the Larry and Gail Miller Public Safety, Education and Training Center dorm facility. A copy of this policy will be provided to each student that will be using the dorm facility at the start of the academy class.~~[A. Academy occupants are required to keep their room clean and orderly and to make their bed daily. Random inspections will be held to insure compliance. When noncompliance is found, the person(s) in violation will be subject to disciplinary action.~~

~~— B. Damage incurred through neglect or intentional abuse to Academy property will result in the student or department head being billed for all repairs and replacements.~~

~~— Students shall prevent spillage or smearing of shoe polish, etc. in the rooms. Students shall also be prohibited from using Academy issued linens for the purpose of cleaning rooms or personal gear, such as guns, shoes, etc.~~

~~— C. Visitors are not allowed in dormitory rooms. They are invited to visit with students in the lounges.~~

~~— D. Presence in the dormitory room of a member of the opposite sex is strictly forbidden unless such person has been instructed to be there by the Academy staff. Persons found to be in violation shall be suspended from the Academy.~~

~~— E. The academy will not be responsible for personal items left unsecured.~~

~~— F. Housekeeping Information.~~

~~— Because of the obvious importance of cleanliness in a group living environment, anyone who demonstrates an unwillingness to follow POST's housekeeping guidelines will be required to leave the dormitory facility and provide their own housing.]~~

KEY: law enforcement officers, basic academy rules

Date of Enactment or Last Substantive Amendment: ~~April 10, 2002~~2007

Notice of Continuation: February 26, 2007

Authorizing, and Implemented or Interpreted Law: 53-6-105; 53-6-106; 53-6-107



**Public Safety, Peace Officer Standards
and Training
R728-500**

**Utah Peace Officer Standards and
Training In-Service Training
Certification Procedures**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 30389
FILED: 09/04/2007, 12:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to update the procedure and add time lines as to when training hours will be reported to Peace Officer Standards and Training (POST). It also adds the procedure of reporting deficient officers to the state retirement board.

SUMMARY OF THE RULE OR CHANGE: The rule amendment updates the new reporting of training hours. The new system will be an on-line reporting of hours over the internet. The rule amendment also gives dates of when hours must be reported and made up. It also gives dates that deficient officers will be reported to the retirement system. The rule also correctly quotes the updated code that this rule is based on.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-6-105(k)

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** To implement the on-line reporting system, it will cost the state \$17,000 initially with an ongoing cost of \$2,000, annually.
- ❖ **LOCAL GOVERNMENTS:** The local government and agencies will not be affected by this reporting system. They will have the ability to report the hours on-line, the initial cost of this system was covered and will be covered by state government.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** To recoup some of the cost of this program, the cost will be passed along to students who attend the satellite training academies. The cost is a \$50 administrative fee for each student to cover the costs of this program plus other programs provided by POST.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no other persons affected other than the ones listed above. To recoup some of the cost of this program, the cost will be passed along to students who attend the satellite training academies. The cost is a \$50 administrative fee for each student to cover the costs of this program plus other programs provided by POST.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will have a positive effect on the business that provides the software for this reporting system. It will not have a negative impact on other businesses. Scott Duncan, Commissioner

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

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
410 W 9800 S
SANDY UT 84070, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steve Winward at the above address, by phone at 801-256-2326, by FAX at 801-256-0600, or by Internet E-mail at swinward@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 10/31/2007.

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

AUTHORIZED BY: Scott T Duncan, Commissioner

**R728. Public Safety, Peace Officer Standards and Training.
R728-500. Utah Peace Officer Standards and Training In-Service Training Certification Procedures.**

R728-500-3. Statutory 40 Hour Training Requirement.

Pursuant to Subsection 53-13-103(4)(b), [~~"law enforcement shall complete such annual certified training as the POST Director, with the advice and consent of the POST Council, shall direct; provided, however, that in no event shall such training consist of less than 40 hours per year."~~]"A law enforcement officer shall, prior to exercising peace officer authority, satisfactorily complete annual certified training of at least 40 hours per year as directed by the director of the division, with the advice and consent of the council."["~~All law enforcement agencies seeking to have in service credit granted shall adhere to the standards and procedures established by POST and the POST Council.~~]

R728-500-5. Reporting Training, Agency Responsibility.

At the conclusion of each training year (July 1 - June 30), agencies employing peace officers are required to report to POST the number of training hours received by each officer employed by that agency. This report is to be submitted online and is due to POST by July 31 and must contain the following information:

- A. the name of the officer
- B. the officers [~~social security~~]POST ID number
- C. the number of training hours for the training year.

R728-500-6. Violation of Statutory Training Requirement, Order of Suspension.

A. The Division of Peace Officer Standards and Training will suspend the peace officer powers of any officer who fails to receive 40-hours of approved training during the previous training year. The officer, and the officers employing agency, will be notified by letter of this action. This sanction will remain in effect until the deficient training is completed and reported to POST[;]. The officer will have until October 1 to make up the deficiency. POST will notify the officer and employing agency when the officers peace officer powers have been reinstated.

B. Training received by a suspended officer in a new training year will be credited to the previous (deficient) training year until the deficiency is made up. Training used to clear up an old deficiency cannot be credited to the new training year. (The same training cannot be counted twice.)

C. Suspended officers who continue to perform the duties and functions of a peace officer will be in violation of Section 53-6-202, and will be subject to the penalties set forth in Utah Administrative Code, Rule R728-411.

D. Officers who are deficient after October 1 will be reported to Utah Retirement System.

R728-500-16. Credit for Physical Fitness Training.

An officer can claim up to five hours of in-service training credit for participation in an agency approved physical training program.

KEY: law enforcement officers, in-service training[[±]]

Date of Enactment or Last Substantive Amendment: [~~1993~~]2007

Notice of Continuation: February 27, 2007
Authorizing, and Implemented or Interpreted Law: 53-6-105; 53-13-103(4)(b)

◆ ————— ◆

Public Safety, Peace Officer Standards and Training **R728-501** Career Development Courses

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30454
FILED: 09/14/2007, 17:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to update some of the requirements for some of the classes, and to clean up some of the wording.

SUMMARY OF THE RULE OR CHANGE: This rule will change the requirements for the mid-management certificate that Peace Officer Standards and Training (POST) offers. It is shifting some of the classes that are required for the class from POST to the agency or officer. It also updates the physical fitness standards that are required for the advanced officer class to coincide with the updated Cooper fitness standards. This amendment cleans up some wording in the rule. It also changes the meeting of the executive development institute from three sessions annually to two sessions. This is because that is how many times this group has met for many years.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-6-105

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This rule amendment will have a savings to POST because we will discontinue two classes that were required to get the mid-management certificate. These classes offered would cost approximately \$3,000 - \$4,000 per year for each class. The other changes would not have an impact on the state budget. Also, the rule changes the Executive development institute to two sessions a year. This change will not have an impact on the budgets of state or local government because this institute has been only meeting two times a year for many years.

❖ **LOCAL GOVERNMENTS:** Because of the change in this rule, this will require an agency or an officer to get two classes on their own. This could cost an agency or individual officer some tuition costs to get the needed classes to get this certificate. Also, the rule changes the Executive development institute to two sessions a year. This change will not have an impact on the budgets of state or local government because this institute has been only meeting two times a year for many years.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Other than state and local government, this rule would not have a negative impact on small businesses. It could have a positive impact for a small business that may offer training that may assist the officers meet the requirement of the mid-management program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule amendment will not require any compliance costs for any affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will not have a negative fiscal impact on businesses. Scott Duncan, Commissioner

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

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
410 W 9800 S
SANDY UT 84070, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steve Winward at the above address, by phone at 801-256-2326, by FAX at 801-256-0600, or by Internet E-mail at swinward@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 11/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2007

AUTHORIZED BY: Scott T Duncan, Commissioner

R728. Public Safety, Peace Officer Standards and Training. R728-501. Career Development Courses. R728-501-3. Advanced Officer.

A. The advanced officer certificate is the second step in the POST career development program. In order to obtain an advanced officer certificate, an application must be submitted to POST showing accomplishment of the following requirements:

1. The candidate must be employed as full-time peace officer with a minimum of three continuous years of peace officer experience.
2. All candidates must have attained a minimum firearms qualification score of 80 percent on a POST accepted firearms course during the preceding year.
3. Each candidate must show evidence of having a current intoxilyzer certificate and a radar operators certificate.
4. The candidate may waive requirement three by showing evidence of completion of at least forty-hours of specialized training directly related to his present assignment.
5. The candidate must show evidence of having a current CPR card.
6. The candidate must be nominated for advance officer status by a letter from the candidates chief/sheriff.

B. Each candidate, upon approval of his application, will be invited to attend a thirty hour advance officer course. These courses will be conducted periodically at POST and at various regional locations.

C. Each candidate must pass a written examination on the subjects covered in the advanced officer course. Successful candidates will be awarded a POST advanced officer certificate and advanced officer insignia.

D. To receive advanced officer certification, the officer is required to achieve a score of 50 percent on each of the POST physical tests: ~~[Flexibility]~~ Vertical jump, sit-ups, push-ups, 300 meter sprint, and 1.5 mile run. ~~[(the 1.0 mile walk may be substituted for the 1.5 mile run.)]~~

E. The physical assessment test will be administered by POST staff during the advanced officer course.

F. Officers who achieve a score of 85 percent in each of the four fitness tests will earn the advanced officer superior fitness award. ~~[Officers substituting the 1.0 mile walk for the 1.5 mile run are not eligible to receive the advanced officer superior fitness award.]~~

R728-501-5. Mid-Management Certificate.

A. The mid-management development program is intended to fulfill the management training needs of lieutenants, captains and department heads. A law enforcement administrator can earn the mid-management certificate by successfully completing ~~three~~ five ~~[prescribed]~~ prescribed courses offered by POST. The ~~three~~ five courses are:

1. First-Line Supervisor
2. Instructor Development
3. Employee Discipline and Administrative procedure course ~~3-~~ Manpower Planning and Development
- ~~4. Budgeting for the Police Administrator~~
- ~~5. Basic Internal Affairs]~~

In addition to the three courses offered by POST the candidate is required to attend two management level courses, which are approved by their chief administrating officer.

B. A mid-management certificate will be awarded when a candidate can document that he has successfully completed the five ~~[prescribed]~~ prescribed courses.

R728-501-6. Executive Development Institute.

The Executive Development Institute is intended for department heads and their executive staff positions. EDI is co-sponsored by the Utah Chiefs of Police Association, the Utah Sheriff's Association, and POST. The EDI training format is a two-day seminar addressing issues germane to Utah law enforcement management. The Executive Development Institute is conducted ~~[three]~~ two times each year.

KEY: law enforcement officers, career development courses[[≠]], in-service training[[≠]]

Date of Enactment or Last Substantive Amendment: ~~[1993]~~ 2007

Notice of Continuation: October 10, 2003

Authorizing, and Implemented or Interpreted Law: 53-6-105



Public Safety, Peace Officer Standards and Training **R728-502** Procedure for POST Instructor Certification

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30455

FILED: 09/14/2007, 17:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to update the requirements for a Peace Officer Standards and Training (POST)-certified instructor.

SUMMARY OF THE RULE OR CHANGE: This rule change will shorten the requirement to become a POST-certified instructor. This rule will take out the educational requirements and some time requirements to become a certified instructor.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-6-105(k)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This rule amendment updates the time requirements and educational requirements to become an instructor. POST will still offer the same amount of instructor development courses. Therefore, costs will not change. It will not affect the state budget.

❖ **LOCAL GOVERNMENTS:** This rule amendment updates the time requirements and educational requirements to become an instructor. POST will still offer the same amount of instructor development courses. Therefore, costs will not change. It will not affect local government.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This rule amendment updates the time requirements and educational requirements to become an instructor. POST will still offer the same amount of instructor development courses. Therefore, costs will not change. It will not affect small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change will not have a fiscal impact on any organization, it will not require any compliance costs to any affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will not have any negative fiscal impact on businesses. Scott Duncan, Commissioner

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

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
410 W 9800 S
SANDY UT 84070, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steve Winward at the above address, by phone at 801-256-2326, by FAX at 801-256-0600, or by Internet E-mail at swinward@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 11/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2007

AUTHORIZED BY: Scott T Duncan, Commissioner

R728. Public Safety, Peace Officer Standards and Training.

R728-502. Procedure for POST Instructor Certification.

R728-502-3. Requirements to become a POST Certified Instructor.

[A.] Applicants must possess two[~~five~~] years of experience as a full-time peace officer, and complete an approved instructor development course[~~;-or-;]~~[

~~— B. Have three years experience as a full-time sworn peace officer, and associate degree, and complete an approved instructor development course; or;~~

~~— C. Have two years experience as a full-time sworn peace officer, a bachelor's degree, and complete an approved instructor development course; or;~~

~~— D. Have specialized training and or expertise in an area which, the Director of POST determines to, would be beneficial in the training of law enforcement officers.]~~

R728-502-4. Application For Instructor Certification.

[A. A completed Application for POST Instructor Development School must be submitted to the POST In Service Bureau. The application must include:

- ~~1. Documentation of years of experience.~~
- ~~2. Letter of recommendation from the applicant's chief administrative officer.~~
- ~~3. Documentation of special training.~~

~~B. All applications for instructor status will be reviewed by the POST In Service Bureau. If the application is approved, the applicant may attend a POST approved Instructor Development Course.]~~ Applicants who have met the minimum required years of experience may apply to attend a POST approved Instructor Development Course. POST Instructor Certification will be granted upon completion of the following requirements:

1. The applicant will successfully complete a POST approved Instructor Development Course. This will include demonstrating to the course instructor the ability to develop a lesson plan that follows the style and format taught in the POST Instructor Development Course.

2. The applicant has signed the POST Contractual Agreement[~~Performance Objectives Agreement. (POST Form 77/01/89)~~] This certifies the student has received, read, and understood the current POST approved performance objectives, and the student agrees to teach the approved POST performance objectives in the classroom.

KEY: law enforcement officers, instructor certification, in-service training

Date of Enactment or Last Substantive Amendment: [~~December 10, 2004~~]2007

Authorizing, and Implemented or Interpreted Law: 53-6-105



**Workforce Services, Unemployment
Insurance
R994-402-207
Systematic and Sustained Work Search**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30442

FILED: 09/13/2007, 11:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the rule, align it with other rules, and to correct citations.

SUMMARY OF THE RULE OR CHANGE: The current rule provides a claimant may not be eligible if he or she was unable to work for "24 consecutive hours". The department's other rules pertaining to availability require a claimant to be available at least half the normal workweek. This change brings the rule into alignment with other department rules. The proposed amendment also corrects misnumbered citations.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104, and Subsections 35A-1-104(4) and 35A-4-502(1)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This is a federally-funded program so there are no costs or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: This is a federally-funded program so there are no costs or savings to local government.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no costs or savings to small businesses or any other persons as there are no fees associated with this program and it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded. These changes will not impact any employer's contribution rate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any employer's contribution tax rate. Kristen Cox, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
 140 E 300 S
 SALT LAKE CITY UT 84111-2333, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2007.

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

AUTHORIZED BY: Kristen Cox, Executive Director

R994. Workforce Services, Unemployment Insurance.

R994-402. Extended Benefits.

R994-402-207. Systematic and Sustained Work Search.

(1) A systematic and sustained work search means that the claimant must register for work with the Department and contact at least 5 employers including 3 in-person contacts each week, unless advised otherwise by an authorized Department representative. The claimant should have a realistic plan for finding employment. All of the employer contacts cannot be made on the same day except in circumstances where a work search on several days of the week is impractical. Work search contacts must be with employers not previously contacted. A claimant may not argue that in-person employer contacts are limited because of traditional methods of seeking work in a particular occupation or because of a limited number of employers in an occupation because the claimant may not limit himself to any particular occupation.

(2) There is no good cause for failure to make a systematic and sustained work search after the claimant has received instructions with regard to the required work search. If the claimant is ill or otherwise unable to seek work, but files a claim for benefits after being instructed with regard to work search requirements, benefits must be denied under Section 35A-4-402 and not under Section 35A-4-403(1)(c) unless the claimant was on jury duty. Benefits may be allowed if the claimant failed to make the required work search because he was on jury duty and benefits would have been allowed under similar circumstances to a claimant for regular benefits. If the claimant made the required work search but was unable to work for more than ~~[24 consecutive hours during normal working days]~~ half the normal workweek, he or she may not be eligible in accordance with Sections R994-403-11[6]1c and R994-403-11[7]2c.

(3) If the claimant has obtained part-time work, he is still required to make a work search on those days when he is not working. The number of contacts may be reduced if the amount of time working is substantial.

KEY: unemployment compensation, employee recruitment, extended benefits

Date of Enactment or Last Substantive Amendment: ~~[1987]~~2007

Notice of Continuation: May 17, 2007

Authorizing, and Implemented or Interpreted Law: 35A-4-402(2); 35A-4-402(6)(a)

◆ ————— ◆
Workforce Services, Unemployment Insurance

R994-403-108b

Deferral of Work Registration and Work Search

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30441

FILED: 09/13/2007, 11:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the rule to reflect department practice.

SUMMARY OF THE RULE OR CHANGE: The need to register for work and conduct an active work search can be waived for claimants expecting to be called back to work. The current rule does not specify the recall must be for full-time work. The department has always interpreted the rule to mean full-time work and has applied it that way. This proposed amendment makes it more clear in the rule. If a claimant only expects to be recalled for part-time work, the claimant needs to register for work and conduct a work search for full-time work.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104, and Subsections 35A-1-104(4) and 35A-4-502(1)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This is a federally-funded program so there are no costs or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: This is a federally-funded program so there are no costs or savings to local government.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no costs or savings to small businesses or any other persons as there are no fees associated with this program and it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded. These changes will not impact any employer's contribution rate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any

employer's contribution tax rate. Kristen Cox, Executive Director

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

WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2007.

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

AUTHORIZED BY: Kristen Cox, Executive Director

R994. Workforce Services, Unemployment Insurance.

R994-403. Claim for Benefits.

R994-403-108b. Deferral of Work Registration and Work Search.

(1) The Department may elect to defer the work registration and work search requirements. A claimant placed in a deferred status is not required to actively seek work but must meet all other availability requirements of the act. Deferrals are generally limited to the following circumstances:

(a) Labor Disputes.

A claimant who is unemployed due to a labor dispute may be deferred while an eligibility determination under Subsection 35A-4-405(4) is pending. If benefits are allowed, the claimant must register for work immediately.

(b) Union Attachment.

A claimant who is a union member in good standing, is on the out-of-work list, or is otherwise eligible for a job referral by the union, and has earned at least half of his or her base period earnings through the union, may be eligible for a deferral. If a deferral is granted to a union member, it shall not be extended beyond the mid-point of the claim unless the claimant can demonstrate a reasonable expectation of obtaining employment through the union.

(c) Employer Attachment.

A claimant who has an attachment to a prior employer and a date of recall to full-time employment within ten weeks of filing or reopening a claim may have the work registration requirement deferred to the expected date of recall. The deferral should not extend longer than ten weeks.

(d) Three Week Deferral.

A claimant who accepts a definite offer of full-time work to begin within three weeks, shall be deferred for that period.

(e) Seasonal.

A claimant may be deferred when, due to seasonal factors, work is not available in the claimant's primary base period occupation and other suitable work is not available in the area.

(2) Deferrals cannot be granted if prohibited by state or federal law for certain benefit programs.

KEY: filing deadlines, registration, student eligibility, unemployment compensation

Date of Enactment or Last Substantive Amendment: [~~August 22, 2006~~]2007

Notice of Continuation: June 26, 2007

Authorizing, and Implemented or Interpreted Law: 35A-4-403(1)



Workforce Services, Unemployment Insurance

R994-405-107

Examples of Reasons for Voluntary Separations

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30440

FILED: 09/13/2007, 11:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify existing language.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment is not a change in policy but an attempt to make the rule more clear. This rule applies to a claimant who quits work because he or she had an offer of new work.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104, and Subsections 35A-1-104(4) and 35A-4-502(1)(b)

ANTICIPATED COST OR SAVINGS TO:

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

❖ LOCAL GOVERNMENTS: This is a federally-funded program so there are no costs or savings to local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no costs or savings to small businesses or any other persons as there are no fees associated with this program and it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded. These changes will not impact any employer's contribution rate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any

employer's contribution tax rate. Kristen Cox, Executive Director

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

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INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2007.

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

AUTHORIZED BY: Kristen Cox, Executive Director

R994. Workforce Services, Unemployment Insurance.

R994-405. Ineligibility for Benefits.

R994-405-107. Examples of Reasons for Quitting.

(1) Prospects of Other Work.

Good cause is established if, at the time of separation, the claimant had a definite and immediate assurance of another job or self-employment that was reasonably expected to be full-time and permanent. ~~[Occasionally, after giving notice, but prior to leaving the first job, a claimant may learn the new job will not be available when promised, or is not permanent, full time, or suitable. Good cause may be established in those circumstances if the claimant immediately attempted to rescind the notice, unless such an attempt would have been futile.]~~ However, if the new work is later determined to have been unsuitable and it is apparent the claimant knew, or should have known, about the unsuitability of the new work, but quit the first job and subsequently quit the new job, a disqualification will be assessed from the time the claimant quit the first job unless the claimant has purged the disqualification through earnings received while on the new job.

If, after giving notice but prior to leaving the first job, the claimant learns the new job will not be available when promised, permanent, full-time, or suitable, good cause may be established if the claimant immediately attempted to rescind the notice, unless such an attempt would have been futile.

(a) A definite assurance of another job means the claimant has been in contact with someone with the authority to hire, has been given a definite date to begin working and has been informed of the employment conditions.

(b) An immediate assurance of work generally means the prospective job will begin within two weeks from the last day the claimant was scheduled to work on the former job. Benefits will be denied for failure to accept all available work from the prior employer under the provisions of Subsection 35A-4-403(1)(c) if the claimant files during the period between the two jobs.

(2) Reduction of Hours.

The reduction of an employee's working hours generally does not establish good cause for leaving a job. However, in some cases, a reduction of hours may result in personal or financial hardship so severe the circumstances justify leaving.

(3) Personal Circumstances.

There may be personal circumstances that are sufficiently compelling or create sufficient hardship to establish good cause for leaving work, provided the claimant made a reasonable attempt to make adjustments or find alternatives prior to quitting.

(4) Leaving to Attend School.

Although leaving work to attend school may be a logical decision from the standpoint of personal advancement, it is not compelling or reasonable, within the meaning of the Act.

(5) Religious Beliefs.

To support an award of benefits following a voluntary separation due to religious beliefs, the work must conflict with a sincerely held religious or moral conviction. If a claimant was not required to violate such religious beliefs, quitting is not compelling or reasonable within the meaning of the Act. A change in the job requirements, such as requiring an employee to work on the employee's day of religious observance when such work was not agreed upon as a condition of hire, may establish good cause for leaving a job if the employer is unwilling to make adjustments.

(6) Transportation.

If a claimant quits a job due to a lack of transportation, good cause may be established if the claimant has no other reasonable transportation options available. However, an availability issue may be raised in such a circumstance. If a move resulted in an increased distance to work beyond normal commuting patterns, the reason for the move, not the distance to the work, is the primary factor to consider when adjudicating the separation.

(7) Marriage.

(a) Marriage is not considered a compelling or reasonable circumstance, within the meaning of the Act, for quitting employment. Therefore, if the claimant quit to get married, benefits will be denied even if the new residence is beyond a reasonable commuting distance from the claimant's former place of employment.

(b) If the employer has a rule requiring the separation of an employee who marries a coworker, the separation is a discharge even if the employer allowed the couple to decide who would leave.

(8) Health or Physical Condition.

(a) Although it is not essential for the claimant to have been advised by a physician to quit, a contention that health problems required the separation must be supported by competent evidence. Even if the work caused or aggravated a health problem, if there were alternatives, such as treatment, medication, or altered working conditions to alleviate the problem, good cause for quitting is not established.

(b) If the risk to the health or safety of the claimant was shared by all those employed in the particular occupation, it must be shown the claimant was affected to a greater extent than other workers. Absent such evidence, quitting was not reasonable.

(9) Retirement and Pension.

Voluntarily leaving work solely to accept retirement benefits is not a compelling reason for quitting, within the meaning of the Act. Although it may have been reasonable for a claimant to take advantage of a retirement benefit, payment of unemployment benefits in this circumstance is not consistent with the intent of the Unemployment Insurance program, and a denial of benefits is not contrary to equity and good conscience.

(10) Sexual Harassment.

(a) A claimant may have good cause for leaving if the quit was due to discriminatory and unlawful sexual harassment, provided the employer was given a chance to take necessary action to stop the objectionable conduct. If it would have been futile to complain, as when the owner or top manager of the employer company is causing the harassment, the requirement that the employer be given an opportunity to stop the conduct is not necessary. Sexual harassment is a form of sex discrimination prohibited by Title VII of the United States Code and the Utah Anti-Discrimination Act.

(b) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(i) submission to the conduct is either an explicit or implicit term or condition of employment, or

(ii) submission to or rejection of the conduct is used as a basis for an employment decision affecting the person, or

(iii) the conduct has a purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

(c) Inappropriate behavior which has sexual connotation but does not meet the test of sexual discrimination is insufficient to establish good cause for leaving work.

(11) Discrimination.

A claimant may have good cause for leaving if the quit was due to prohibited discrimination, provided the employer was given a chance to

take necessary action to stop the objectionable conduct. If it would have been futile to complain, as when the owner or top manager of the employer company is the cause of the discrimination, the requirement that the employer be given an opportunity to stop the conduct is not necessary. It is a violation of federal law to discriminate against employees regarding compensation, terms, conditions, or privileges of employment, because of race, color, religion, sex, age or national origin; or to limit, segregate, or classify employees in any way which would deprive or tend to deprive them of employment opportunities or otherwise adversely affect their employment status because of race, color, religion, sex, age or national origin.

(12) Voluntary Acceptance of Layoff.

If the employer wishes to reduce its workforce and gives the employees the option to volunteer for the layoff, those who do volunteer are separated due to reduction of force regardless of incentives.

KEY: unemployment compensation, employment, employee's rights, employee termination

Date of Enactment or Last Substantive Amendment: ~~August 8, 2007~~

Notice of Continuation: June 26 2002

Authorizing, and Implemented or Interpreted Law: 35A-4-502(1)(b); 35A-1-104(4); 35A-4-405



End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (2001)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (· · · · ·) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (2001); and *Utah Administrative Code* Section R15-4-8.

Human Services, Child and Family Services

R512-51

Fee Collection for Criminal Background Screening for Prospective Foster and Adoptive Parents and for Employees of Other Department of Human Services Licensed Programs

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 30393
FILED: 09/05/2007, 12:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to enable the Division of Child and Family Services (DCFS) to collect fees for processing criminal background screening for prospective foster and adoptive parents of children in state custody and other adults in the home, and for employees of other licensed programs upon request of the Office of Licensing.

SUMMARY OF THE RULE OR CHANGE: This rule will allow the DCFS to collect fees for electronic fingerprint scanning for the purpose of criminal background screening for prospective and adoptive parents of children in state custody and other adults in the home, and for employees of other Department of Human Services licensed programs. The Citizen Board for Child and Family Services approved this rule and fee schedule at its Board meeting held on 06/26/2007. (DAR NOTE: A corresponding proposed new rule is under DAR No. 30394 in this issue, October 1, 2007, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Pub. L. No. 109-248, and Sections 62A-2-120 and 78-3a-307.1

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is not a substantive savings. DCFS estimates approximately \$60,000 will be received to cover a portion of the costs necessary for agency workers to provide the fingerprint scanning services.

❖ **LOCAL GOVERNMENTS:** There will be no costs or savings to local government because local government is not involved with performing background screening for prospective and adoptive parents of children in state custody and other adults in the home, and for employees of other Department of Human Services licensed programs.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There will not be a substantive financial impact for small businesses. Small businesses such as child placing agencies that utilize proctor families serving children in state custody may see a slight cost savings under the new fee structure for those families that required the fingerprint screening previously; however, changes in federal law also require additional families to have this check completed. Thus, the fees for this screening will be new costs, if the agency chooses to pay it on behalf of their prospective foster families.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each adult living in the home of prospective foster or adoptive parents of children in state custody will be charged \$10 for the cost of fingerprint screening under this rule. The fingerprint screening is a new requirement under both state and federal law. In most instances, the families will bear the cost. For a small percentage of families, a child placing agency may pay this cost on their behalf.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses such as child placing agencies that utilize proctor families serving children in state custody may see a slight cost savings under the new fee structure for those families that required the fingerprint screening previously; however, changes in Federal law also require additional families to have this check completed. Therefore, if the agency chooses to pay it for the prospective foster families, the fees for this screening will be new costs. Lisa-Michele Church, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

Pub. L. No. 109-248 requires that this rule become effective 04/01/2007.

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

THIS RULE IS EFFECTIVE ON: 09/05/2007

AUTHORIZED BY: Duane Betournay, Director

R512. Human Services, Child and Family Services.

R512-51. Fee Collection for Criminal Background Screening for Prospective Foster and Adoptive Parents and for Employees of Other Department of Human Services Licensed Programs.

R512-51-1. Purpose and Authority.

A. The purpose of this rule is to enable the Division of Child and Family Services to collect fees for processing criminal background screenings. These screenings are for prospective foster and adoptive

parents of children in state custody and other adults in the home as required by Public Law 109-248 and Section 78-3a-307.1. These screenings are also for employees of other licensed programs upon request of the Office of Licensing as authorized by Section 62A-2-120, as capacity allows.

R512-51-2. Fee Collection for Electronic Fingerprint Scanning.

A. It is the responsibility of Child and Family Services Regional Offices to collect fees for electronic fingerprint scanning for the purpose of criminal background screening for prospective foster and adoptive parents of children in state custody and other adults in the home and for employees of other Department of Human Services licensed programs.

B. The amount of the fee charged for electronic fingerprint scanning will be approved by the Board of Child and Family Services as required by Section 62A-4a-102 and will not exceed the amount being charged for the same service from the Department of Public Safety, Bureau of Criminal Identification.

R512-51-3. Fee Collection for Cost of Submission of Electronic Fingerprints for Criminal Background Check.

A. Child and Family Services has the option to collect fees for all or part of the actual cost of submission of electronic fingerprints for criminal background checks through the Department of Public Safety, Bureau of Criminal Identification and the Federal Bureau of Investigation.

B. Child and Family Services may elect to pay all or part of this cost for prospective foster and adoptive parents of children in state custody and other adults in the home, subject to legislative funding for this purpose.

C. Child and Family Services will not pay any of the cost of submission of electronic fingerprints for criminal background checks for employees of other Department of Human Services licensed programs, but may submit the electronic fingerprints upon verification of payment of those fees by the Office of Licensing or designee.

KEY: criminal background screening, fees, foster care, adoption Date of Enactment or Last Substantive Amendment: September 5, 2007

Authorizing, and Implemented or Interpreted Law: Pub. L. No. 109-248; 78-3a-307.1

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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Agriculture and Food, Animal Industry

R58-19

Compliance Procedures

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30439
FILED: 09/12/2007, 13:40

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-2-15 gives the Department of Agriculture and Food the authority to enforce agricultural laws. This rule helps define the emergency order and citation process.

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 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: This rule gives the Department of Agriculture and Food needed authority to ensure compliance of existing laws and rules which in turn protect both the consumer and the producer. Therefore, this rule should be continued.

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

AGRICULTURE AND FOOD
ANIMAL INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3034, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kathleen Mathews or Terry Menlove at the above address, by phone at 801-538-7103 or 801-538-7166, by FAX at 801-538-

7126 or 801-538-7169, or by Internet E-mail at kmathews@utah.gov or tmenlove@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/12/2007



Community and Culture, Housing and Community Development

R199-8

Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30443
FILED: 09/13/2007, 14:21

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Permanent Community Impact Fund Board (CIB) provides loans and grants to state agencies and local governments which are socially or economically impacted by mineral resource development of federal lands. Rule R199-8 outlines the processes and procedures followed by the CIB in reviewing and approving applications for funding assistance. Statutory authorization for the CIB to issue administrative rules is contained in Section 9-4-305.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The CIB has received no written comment regarding the five-year review period on this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the rule allows the CIB to review and approve applications for funding assistance as authorized by federal and state statutes.

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

COMMUNITY AND CULTURE
HOUSING AND COMMUNITY DEVELOPMENT
Room 500
324 S STATE ST
SALT LAKE CITY UT 84111-2388, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Keith J Burnett at the above address, by phone at 801-538-8725, by FAX at 801-538-8725, or by Internet E-mail at kjburnett@utah.gov

AUTHORIZED BY: Palmer DePaulis, Executive Director

EFFECTIVE: 09/13/2007



Community and Culture, Housing and
Community Development
R199-9
Policy Concerning Enforceability and
Taxability of Bonds Purchased

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 30444
FILED: 09/13/2007, 14:38

**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: The Permanent Community Impact Fund Board (CIB) provides loans and grants to state agencies and local governments which are socially or economically impacted by mineral resource development on federal lands. Rule R199-9 outlines the CIB's requirements regarding the legal opinions that must be submitted by borrowers in order to close on CIB loans. Authority for the CIB to issue administrative rules is contained in Section 9-4-305.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The CIB has received no written comment regarding the five-year review period on this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the rule allows the CIB to close on loans with assurances that federal and state statutory requirements for the issuance of public bond issues are being met.

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

COMMUNITY AND CULTURE
HOUSING AND COMMUNITY DEVELOPMENT
Room 500
324 S STATE ST
SALT LAKE CITY UT 84111-2388, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Keith J Burnett at the above address, by phone at 801-538-8725, by FAX at 801-538-8725, or by Internet E-mail at kjburnett@utah.gov

AUTHORIZED BY: Palmer DePaulis, Executive Director

EFFECTIVE: 09/13/2007



Community and Culture, Housing and
Community Development
R199-10
Procedures in Case of Inability to
Formulate Contract for Alleviation of
Impact

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 30445
FILED: 09/13/2007, 14:53

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Sections 11-13-306 and 11-13-307 designate the Permanent Community Impact Fund Board (CIB) as the adjudicative board in disputes over impact mitigation contracts relating to the Intermountain Power Project. Rule R199-10 outlines the procedures the CIB will follow when it sits as this adjudicative board. Section 9-4-306 authorizes the CIB to establish administrative rules necessary to carry out its duties under Sections 11-13-306 and 11-13-307.

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 CIB has received no written comment regarding the five-year review period on this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the rule allows the CIB to maintain its adjudicative processes as required by Sections 11-13-306 and 11-13-307.

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

COMMUNITY AND CULTURE
HOUSING AND COMMUNITY DEVELOPMENT
Room 500
324 S STATE ST
SALT LAKE CITY UT 84111-2388, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Keith J Burnett at the above address, by phone at 801-538-8725, by FAX at 801-538-8725, or by Internet E-mail at kjburnett@utah.gov

AUTHORIZED BY: Palmer DePaulis, Executive Director

EFFECTIVE: 09/13/2007



Education, Administration

R277-101

Public Participation in Utah State Board
of Education Decisions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30402
FILED: 09/06/2007, 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: Section 52-4-102 emphasizes the legislature's intent that the state, its agencies, and its political subdivisions take their actions openly and conduct their deliberations openly.

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 provides necessary standards and procedures for public participation in Utah State Board of Education meetings. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007



Education, Administration

R277-103

USOE Government Records and
Management Act

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30403
FILED: 09/06/2007, 11:14

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-2-204(2)(d) allows a government entity to make rules specifying where and to whom requests for access shall be directed.

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 provides necessary standards and procedures for requesting records from the Utah State Board of Education/Utah State Office of Education. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration

R277-112

Prohibiting Discrimination in the Public
 Schools

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 30404
 FILED: 09/06/2007, 11:16

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS
 UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS
 AUTHORIZE OR REQUIRE THE RULE: The Utah Constitution, Article
 X, Section 3, vests general control and supervision of the
 public education system in the Utah State Board of Education.
 The Board provides this rule that lists federal statutes
 prohibiting discrimination in public schools.

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
 because it states the Board's position on discrimination and
 incorporates by reference specific federal statutes prohibiting
 discrimination in public schools. Therefore, this rule should be
 continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration

R277-115

Copyrighting Material Developed with
 Funds that Flow Through the Board

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 30405
 FILED: 09/06/2007, 11:23

**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: Subsection 53A-1-401(3)
 allows the Utah State Board of Education to adopt rules in
 accordance with its responsibilities.

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 provides
 necessary standards and procedures for use of copyrighted
 materials developed with Utah State Board of Education
 funds. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration
R277-116
 USOE Internal Audit Procedure

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 30406
 FILED: 09/06/2007, 11:25

**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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities. Section 53A-1-405 makes the Utah State Board of Education responsible for verifying school district/charter school audits of financial and student accounting records to determine the allocation of Uniform School Fund moneys.

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 because the Utah State Board is responsible for funds that flow through the Board to local education agencies (LEA). This rule provides necessary standards and procedures for accounting for funds through internal audit procedures. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007



Education, Administration
R277-400
 School Emergency Response Plans

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 30407
 FILED: 09/06/2007, 11:27

**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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

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 provides standards, procedures, and necessary guidance for school districts/schools when developing emergency preparedness and emergency response plans. Therefore, this rule should be continued.

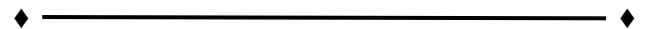
THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

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

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

EFFECTIVE: 09/06/2007



Education, Administration
R277-401
 Child Abuse-Neglect Reporting by
 Education Personnel

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30408
FILED: 09/06/2007, 11:29

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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities. Section 62-4a-403 requires adults to report suspected child abuse.

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 provides necessary procedures for school district/school personnel to follow for identifying and referring suspected cases of child abuse. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration
R277-407
School Fees

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30409
FILED: 09/06/2007, 11:29

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 53A-12-102(1) provides for the Utah State Board of Education to make rules for school districts/schools to follow when charging fees to students for participation in school district/school sponsored/supported activities.

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 provides necessary standards and procedures for school districts/schools to follow when charging fees to students for participation in school district/school sponsored/supported activities. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration
R277-410
Accreditation of Schools

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30410
FILED: 09/06/2007, 11:42

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 53A-1-402(1)(c)(i) directs the Utah State Board of Education to establish rules and minimum standards regarding school accreditation.

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 provides necessary standards and procedures for mandatory public school and discretionary private school accreditation. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration

R277-411

Elementary School Accreditation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30411
FILED: 09/06/2007, 11:43

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 53A-1-402(1)(c)(i) directs the Utah State Board of Education to establish rules and minimum standards regarding school accreditation.

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 provides necessary standards and procedures for mandatory public school and discretionary private school accreditation. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration

R277-412

Junior High and Middle School Accreditation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30412
FILED: 09/06/2007, 11:45

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 53A-1-402(1)(c)(i) directs the Utah State Board of Education to establish rules and minimum standards regarding school accreditation.

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 provides necessary standards and procedures for mandatory public school and discretionary private school accreditation. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration

R277-433

Disposal of Textbooks in the Public Schools

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30413
FILED: 09/06/2007, 11:46

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 53A-12-207 directs the Utah State Office of Education (Utah State Board of Education) to develop rules and procedures directing the disposal of textbooks.

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 provides necessary procedures for school districts/schools to follow when disposing of outdated textbooks. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration

R277-445

Classifying Small Schools as Necessarily Existent

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30414
FILED: 09/06/2007, 11:49

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 53A-17a-109 provides that the Utah State Board of Education adopt standards and make rules regarding necessarily existent small schools.

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 provides necessary standards and procedures for classifying small and remote schools as necessarily existent. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration
R277-502
 Educator Licensing and Data Retention

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 30415
 FILED: 09/06/2007, 11:50

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities. Section 53A-6-104 authorizes the Utah State Board of Education to issue licenses to Utah educators.

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 provides necessary standards and procedures for educator licensing and data retention. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration
R277-505
 Administrative License Areas of
 Concentration and Programs

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 30416
 FILED: 09/06/2007, 11:52

**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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities. Section 53A-6-104 permits the Utah State Board of Education to issue licenses to Utah educators.

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 provides necessary requirements for administrative license areas of concentration and provides necessary standards for school district-specific and charter school-specific administrative license areas of concentration. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

Education, Administration
R277-506
 School Psychologists and School Social
 Workers Licenses and Programs

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 30417
 FILED: 09/06/2007, 11:54

**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 53A-1-402(1)(a) requires the Utah State Board of Education to make rules regarding the qualification and licensing of educators and ancillary personnel who provide direct student services.

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 provides necessary standards for school psychologists and school social workers to obtain licenses issued by the Utah State Board of Education to qualify for employment in the public schools as school psychologists, and school social workers. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

◆ ————— ◆
**Education, Administration
R277-514**

**Board Procedures: Sanctions for
Educator Misconduct**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR File No.: 30418
FILED: 09/06/2007, 11:55

**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: Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in

accordance with its responsibilities. Section 53A-6-405 allows the Utah State Board of Education to deny a license to an individual for good cause.

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 provides standards and procedures for the Utah State Board of Education to follow when addressing unethical/unprofessional educator misconduct. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

◆ ————— ◆
**Education, Administration
R277-608**

**Prohibition of Corporal Punishment in
Utah's Public Schools**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 30419
FILED: 09/06/2007, 11:56

**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: Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

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 provides necessary guidance for school districts/schools to follow when prohibiting corporal punishment school discipline policies. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007



Education, Administration
R277-703
Centennial Scholarship for Early
Graduation

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 30420
FILED: 09/06/2007, 11:59

**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 53A-1-402(1) authorizes the Utah State Board of Education to establish rules and minimum standards regarding competency levels, graduation requirements, and curriculum and instruction requirements. Subsections 53A-15-101(5) and (6) direct the Utah State Board of Education to provide an early graduation option to students and to develop, implement and evaluate the early graduation program. Subsection 53A-1-401(3) permits the Utah State Board of Education to make rules in accordance with its responsibilities.

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 because it provides the standards and procedures for students to graduate before the conclusion of the twelfth grade. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007



Education, Administration
R277-713
Concurrent Enrollment of High School
Students in College Courses

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 30422
FILED: 09/06/2007, 12:02

**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 53A-17a-120.5 directs the Utah State Board of Education to adopt rules providing that schools and institutions of higher education that participate in the concurrent enrollment programs offered under Section 53A-15-101 receive an allocation of the monies consistent with the law and rule. Subsection 53A-1-402(1)(c) directs the Utah State Board of Education to adopt minimum standards for curriculum. Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

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 provides necessary standards and procedures for school districts,

schools, and students choosing to participate in the Concurrent Enrollment Program. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007



Education, Administration
R277-720
Child Nutrition Programs

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE No.: 30421
FILED: 09/06/2007, 12:00

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: Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities. Subsection 53A-1-402(1)(b) directs the Utah State Board of Education to make rules and set minimum standards regarding access to programs. Subsection 53A-1-402(3) authorizes the Utah State Board of Education to administer funds made available through programs of the federal government.

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 provides necessary standards and procedures for Child Nutrition Programs. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007



Education, Administration
R277-750
Education Programs for Students with Disabilities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE No.: 30423
FILED: 09/06/2007, 12:04

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 53A-1-402(1) directs the Utah State Board of Education to adopt rules regarding programs for students with disabilities. Section 53A-15-301 directs the Utah State Board of Education to adopt rules to implement education programs for students with disabilities. Subsection 53A-1-401(3) permits the Utah State Board of Education to adopt rules in accordance with its responsibilities.

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 provides necessary standards and procedures for public education special education programs. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

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Education, Administration

R277-911

Secondary Career and Technical Education

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30424
 FILED: 09/06/2007, 12:05

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: Section 53A-15-202 allows the Utah State Board of Education to establish minimum standards for career and technical education programs in the Utah public education system.

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 provides necessary standards and funding formulas for career and technical education programs in Utah public schools. Therefore, this rule should be continued.

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

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

EFFECTIVE: 09/06/2007

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Environmental Quality, Radiation Control

R313-24

Uranium Mills and Source Material Mill Tailings and Disposal Facility Requirements

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30434
 FILED: 09/07/2007, 15:28

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Radiation Control Act, Sections 19-3-104 and 19-3-108, provides the Radiation Control Board and Executive Secretary the authority to make rules regarding the possession, use, transfer, or delivery of source and byproduct material and the disposal of byproduct material as necessary to protect the public and environment by controlling exposure to sources of radiation that constitute a significant health hazard; and to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Request for Agency action was filed with the Division of Radiation Control (DRC) on 07/13/2006 by the Glen Canyon Group of the Utah Chapter of the Sierra Club. Comment made in the request was concerning the definition of "alternate feed material" processed at a uranium mill facility. The definition does not appear in Rule R313-24, therefore, does not pertain to this five-year review. No other comments regarding this rule or other rulemaking actions were done since the effective date of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it establishes the requirements for the regulation of uranium milling facilities and disposal of uranium

mill tailings. There are three such facilities in Utah. Under an agreement with the U.S. Nuclear Regulatory Commission, DRC is the regulators.

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:

John Hultquist at the above address, by phone at 801-536-4623, by FAX at 801-536-4250, or by Internet E-mail at jhultquist@utah.gov

AUTHORIZED BY: Dane Finerfrock, Director

EFFECTIVE: 09/07/2007

investments for state-chartered banks and gives them rights, privileges, and powers granted to national banks, and should be continued.

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

FINANCIAL INSTITUTIONS
BANKS
Room 201
324 S STATE ST
SALT LAKE CITY UT 84111-2393, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Paul Allred at the above address, by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at PALLRED@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 09/10/2007

Financial Institutions, Banks

R333-7

Investment by a State-Chartered Bank in Shares of Open-End Investment Companies

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30436
FILED: 09/10/2007, 15:33

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 7-1-301(8)(b)(i) authorizes the Commissioner to establish eligible classes and types of investments for the deposits and funds for financial institutions if the restrictions or requirements are not more stringent than those applicable under federal law or regulation to federally-chartered institutions of the same class.

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 supporting or opposing 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 rule permits a state-chartered bank to purchase for its own account shares of open-end investment companies subject to certain restrictions. The rule expands eligible classes and types of

Financial Institutions, Credit Unions

R337-2

Conversion from a Federal to a State- Chartered Credit Union

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30397
FILED: 09/05/2007, 15:50

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 7-1-301 authorizes rulemaking authority to the Commissioner; Section 7-1-706 grants the Commissioner authority to exercise procedural power; and Subsection 7-1-713(4) authorizes the conversion of financial institutions from federal to state-chartered.

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 supporting or opposing 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 rule establishes the requirements and procedures for converting from a federally-chartered credit union to a state-chartered credit union and should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 FINANCIAL INSTITUTIONS
 CREDIT UNIONS
 Room 201
 324 S STATE ST
 SALT LAKE CITY UT 84111-2393, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Paul Allred at the above address, by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at PALLRED@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 09/05/2007



Financial Institutions, Credit Unions
R337-5
Allowance for Loan and Lease Losses -
Credit Unions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30398
 FILED: 09/05/2007, 15:54

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 7-9-29 states that credit unions shall establish an allowance account for loan losses subject to regulation as the commissioner may prescribe.

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 supporting or opposing 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 rule is necessary because it requires an allowance account for loan losses and prescribes the optional methods of determining the required amount. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 FINANCIAL INSTITUTIONS
 CREDIT UNIONS
 Room 201

324 S STATE ST
 SALT LAKE CITY UT 84111-2393, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Paul Allred at the above address, by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at PALLRED@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 09/05/2007



Human Services, Recovery Services
R527-3
Definitions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30390
 FILED: 09/04/2007, 13:48

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under Sections 62A-11-103, 62A-11-303, 62A-11-401, and 78-45f-101 which contain definitions of terms for the Office of Recovery Services (ORS), the Administrative Determination of Overpayments Act, the Child Support Services Act, and Income Withholding for IV-D and Non-IV-D cases. This rule provides definitions of acronyms and additional terms used by the ORS. The definitions listed in this rule may either not be listed or not precisely defined in the referenced statutes.

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 or since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with knowledge of commonly used acronyms and terms associated with ORS or its programs that are not available in statute.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 RECOVERY SERVICES
 515 E 100 S
 SALT LAKE CITY UT 84102-4211, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shancie Lawton at the above address, by phone at 801-536-8191, by FAX at 801-536-8833, or by Internet E-mail at shancielawton@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 09/04/2007



Human Services, Recovery Services

R527-37

Closure Criteria for Support Cases

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30432
FILED: 09/07/2007, 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: Federal regulations at 45 CFR 303.11 provide detailed case closure criteria for IV-D agencies. These federally-mandated criteria have been adopted by the Office of Recovery Services (ORS) and incorporated by reference into rule. This rule is enacted under Section 62A-11-107 which authorizes ORS to adopt, amend, and enforce rules necessary to carry out its necessary duties; this includes the closure of cases that meet the federally-mandated criteria.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received since the last five-year review of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide information of federally-mandated closure criteria that are still in effect and do not appear in state statute.

Upon review, it was found that there is a nonsubstantive change to this rule needed in order to update a citation. This change will be completed as soon as possible.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shancie Lawton at the above address, by phone at 801-536-8191, by FAX at 801-536-8833, or by Internet E-mail at shancielawton@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 09/07/2007



Human Services, Recovery Services

R527-253

Collection of Child Support Judgments

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30428
FILED: 09/07/2007, 12:02

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: Under Subsection 62A-11-107(8), the Office of Recovery Services (ORS) is given rulemaking authority as necessary to carry out its assigned duties. Under Section 62A-11-320, ORS is given authority to demand payment in full or to set (or reset) payment schedules to collect past-due support. This rule clarifies that the interests of the state determine whether immediate payment in full or a repayment schedule should be required. This rule also provides a listing of some of the legal remedies available to ORS when collecting child support arrears and clarifies that the use of one remedy does not prevent ORS from utilizing other remedies at the same time.

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 state laws cited in this rule remain in effect. Because this rule provides important clarifications about how ORS intends to carry out its collection duties specified by law, particularly the possible use of multiple collection remedies at the same time, this rule should be continued.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 09/07/2007

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Human Services, Recovery Services

R527-255

Substantial Change in Circumstances

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30391
FILED: 09/04/2007, 13:56

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: Sections 78-45-7 through 78-45-7.21 constitute the rebuttable guidelines for determination of prospective support. These guidelines apply to situations where there has been a substantial change in circumstances or an adjustment is made upon petition of a parent, legal guardian, or the Office of Recovery Services (ORS) when the support order has not been issued or modified within the previous three years. Under whichever situation, the law specifies the minimum percentage of change required between the ordered support amount and the prospective amount that would be required under the guidelines and that the change cannot be temporary as defined in Section 78-45-2. Sections 62A-11-320.5 and 62A-11-320.6 specifically address the review and adjustment of child support orders that have been established or modified within a three-year cycle and outside a three-year cycle. This rule clarifies that the current support award may not be adjusted if the change in circumstances is temporary. In addition, it provides information on how an adjustment will be managed when the change of circumstance will last for an extended time frame but is not considered permanent and specifies that changes over 12 months are considered long-term or permanent, and therefore, warrant adjustment under the guideline statutes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received since the last five-year review of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide a clear definition of a temporary change in circumstances, what the options are when the change in

circumstances is an extended period of time but not considered permanent, and when ORS will proceed to initiate an adjustment of the support award when there is a change in circumstance.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shancie Lawton at the above address, by phone at 801-536-8191, by FAX at 801-536-8833, or by Internet E-mail at shancelawton@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 09/04/2007

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Human Services, Recovery Services

R527-300

Income Withholding

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30429
FILED: 09/07/2007, 12:09

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Subsection 62A-11-107(8), the Office of Recovery Services (ORS) is given rulemaking authority as necessary to carry out its statutory responsibilities. Title 62A, Chapter 11, Part 4, mandates IV-D income withholding by ORS for the collection of support debts.

This rule provides necessary clarifications about how ORS implements income withholding.

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 state laws cited in this rule remain in effect. Because this rule provides important clarifications about how ORS intends to carry out its IV-D income withholding duties specified by law, this rule should be continued. There are nonsubstantive changes to statutory citations that will be rectified by changes of this rule as soon as possible.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 09/07/2007

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 09/05/2007

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Human Services, Recovery Services **R527-378** Withholding of Social Security Benefits

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30395
FILED: 09/05/2007, 13:31

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Subsection 62A-11-107(8), the Office of Recovery Services (ORS) is given rulemaking authority as necessary to carry out its statutory responsibilities. Subsection 62A-11-104(6) requires ORS to implement income withholding for collection of child support. This rule clarifies that an income withholding notice sent to the Social Security Administration for an arrears-only case must be limited to 25 percent of the benefit amount if Social Security is the obligor's sole means of support.

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 state laws cited in this rule remain in effect. Because this rule provides important clarifications about how ORS intends to carry out its collection duties when utilizing income withholding against a specific source of income (Social Security benefits). Therefore, this rule should be continued.

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Human Services, Recovery Services **R527-412** Intercept of Unemployment Compensation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 30396
FILED: 09/05/2007, 13:37

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Subsection 62A-11-107(8), the Office of Recovery Services (ORS) is given rulemaking authority as necessary to carry out its statutory responsibilities. Under Subsection 35A-4-103(5), the Department of Workforce Services is required to deduct and withhold from any unemployment compensation payable to an individual who owes child support obligations. Section 62A-11-401 defines "immediate income withholding" and references Section 62A-11-103 which includes unemployment compensation benefits in the definition of "income". The rule references the income withholding criteria in Rule R527-300 (which unemployment compensation is subject to). It also references 15 U.S.C. 1673, the Consumer Credit Protection Act, which provides the exceptions to withholding 25% of the obligor's income and specifies the maximum percentage of income that may be withheld.

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 state and federal statutes under which this rule was enacted are still in effect. The rule clarifies that unemployment compensation benefits may be subject to garnishment if income withholding criteria do not apply, and it explains the conditions under which an obligor may volunteer to pay more than the percentage-of-benefits limits imposed by law. Therefore, this rule should be continued.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 09/05/2007



Human Services, Recovery Services
R527-601
Establishing or Modifying an
Administrative Award for Child Support

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 30433
FILED: 09/07/2007, 15:09

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under Section 78-45-7.5 which requires each parent to provide verification of current income for the purpose of calculating a base child support award under Utah's child support guidelines. In addition, Section 78-45-7.3 permits the moving party to submit an affidavit representing the other party's income based on the best evidence available. This rule defines "best evidence available" and the process of providing the affidavit to the other party.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received since the last five-year review of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide a clear definition of "best evidence available", and to explain the process for providing the nonmoving party with the submitted affidavit of income before it is used as evidence in calculating a base child support award.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shancie Lawton at the above address, by phone at 801-536-8191, by FAX at 801-536-8833, or by Internet E-mail at shancelawton@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 09/07/2007



Insurance, Administration
R590-96
Rule to Recognize New Annuity
Mortality Tables for Use in Determining
Reserve Liabilities for Annuities

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 30453
FILED: 09/14/2007, 15:22

**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 31A-2-201 gives the commissioner authority to make rules to implement the provisions of Title 31A. Section 31A-17-505 gives the commissioner specific authority to make rules to approve mortality tables used in determining the minimum standard of valuation for annuity contracts. The rule approves specific mortality tables for individual group annuity or pure endowment contracts.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it sets up reserving standards. In the absence of the rule, an insurer would be allowed to hold lower, inadequate reserves for annuities issued after 04/02/1980, which could result in the insolvency of the insurance company. Therefore, this rule should be continued.

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

**INSURANCE
ADMINISTRATION**
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/14/2007

for security and confidentiality of customer records. The commissioner is also authorized under Subsection 31A-23-317(3) to adopt rules implementing the requirements of Title V, Section 501(b), of the federal act into state law.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule implements the requirements of federal law regarding the disclosure of nonpublic personal information. The rule establishes standards applicable to department licensees to assist them in developing and implementing administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of customer information. As long as the federal law regarding the privacy of nonpublic personal information is in force, and as long as the insurance industry continues to collect this type of information regarding their customers, this rule will be necessary. Therefore, this rule should be continued.

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

**INSURANCE
ADMINISTRATION**
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/06/2007

◆ ————— ◆

Insurance, Administration
R590-216
Standards for Safeguarding Customer Information

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30427
FILED: 09/06/2007, 15:00

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: Subsections 31A-2-202(1), 31A-2-201(2), and 31A-2-201(3)(a) empower the commissioner to administer and enforce Title 31A, to perform duties imposed by Title 31A, and to make administrative rules to implement the provisions of Title 31A. Title V, Privacy, Section 505, Enforcement, (15 U.S.C. 6805) empowers the commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act of 1999, "Financial Services Modernization Act," (15 U.S.C. 6801 through 6820). Title V, Section 505 (15 U.S.C. 6805(b)(2)) authorizes the commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act entitled, "Protection of Nonpublic Personal Information," requiring financial institutions to set safeguards

◆ ————— ◆

Natural Resources, Water Rights
R655-6
Administrative Procedures for Informal Proceedings Before the Division of Water Rights

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 30401
FILED: 09/06/2007, 11:02

**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: Sections 63-46a-3, 63-46b-5, and 73-2-1.5; and Title 73, Chapters 1, 2, 3, 3a, 3b, 3c, 5, 5a, 6, and 22. Rulemaking is required because the agency authorizes, requires, or prohibits an action; provides or prohibits an action; and because the agency has designated one or more categories of adjudicative proceedings.

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 needed to give direction to presiding officers and staff in initiating adjudicative proceedings, conducting informal hearings, and rendering decisions authorizing, requiring, or prohibiting an action. Therefore, this rule should be continued.

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

NATURAL RESOURCES
WATER RIGHTS
Room 220
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kaelyn Anfinson at the above address, by phone at 801-538-7370, by FAX at 801-538-7442, or by Internet E-mail at KAELYNANFINSEN@utah.gov

AUTHORIZED BY: Jerry Olds, Director

EFFECTIVE: 09/06/2007



**Natural Resources, Wildlife Resources
R657-12
Hunting and Fishing Accommodations
for People with Disabilities**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 30435
FILED: 09/10/2007, 07:00

**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 23-20-12 authorizes the Wildlife Board to adopt rules specifying terms and conditions whereby an individual who is validly licensed to hunt may be authorized to hunt from a vehicle. Section 23-19-36 allows a resident who is blind, paraplegic, or permanently disabled to receive a license to fish upon satisfactory proof to the Division of Wildlife Resources (DWR). This rule specifies terms, conditions, and the process for providing proof of a disability.

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 supporting or opposing Rule R657-12 were received since 09/26/2002 when the rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The standards and procedures adopted in Rule R657-12 have worked well in providing fairness to all concerned individuals. The provisions of this rule have provided an effective and efficient process for persons to obtain a certificate of registration for taking wildlife from a vehicle and persons to obtain a fishing license as authorized under Subsection 23-19-36(1). Continuation of this rule is necessary for continued success of the program.

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: 09/10/2007



NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63-46a-9). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules. The extension permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed extensions for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date. The five-year review extension is governed by Subsection 63-46a-9(4) and (5).

Natural Resources

Wildlife Resources

No. 30392: R657-52. Commercial Harvesting of Brine Shrimp and Brine Shrimp Eggs.

ENACTED OR LAST REVIEWED: 09/04/2002 (No. 25050, NEW, filed 07/15/2002 at 3:10 p.m., published 08/01/2002).

EXTENDED DUE DATE: 01/02/2008

End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. 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

Environmental Quality

Air Quality

No. 29796 (AMD): R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).
Published: May 1, 2007
Effective: September 7, 2007

No. 29796 (CPR): R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).
Published: August 1, 2007
Effective: September 7, 2007

Radiation Control

No. 30157 (AMD): R313-16-230. Registration of Radiation Machines.
Published: July 15, 2007
Effective: September 14, 2007

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 30175 (AMD): R414-1-5. State Plan.
Published: August 1, 2007
Effective: September 7, 2007

No. 30198 (AMD): R414-60A-3. Responsibilities and Functions.

Published: August 1, 2007
Effective: September 7, 2007

No. 30176 (AMD): R414-504. Nursing Facility Payments.

Published: August 1, 2007
Effective: September 7, 2007

Human Services

Administration, Administrative Services, Licensing

No. 30178 (AMD): R501-14. Background Screening.
Published: August 1, 2007
Effective: September 15, 2007

Labor Commission

Antidiscrimination and Labor, Labor

No. 30008 (AMD): R610-1-3. Coverage.
Published: June 15, 2007
Effective: September 8, 2007

No. 30008 (CPR): R610-1-3. Coverage.
Published: August 1, 2007
Effective: September 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 September 14, 2007, the effective dates of which are no later than October 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. 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>Debt Collection</u>					
R21-1	Transfer of Collection Responsibility of State Agencies	30374	5YR	08/29/2007	2007-18/70
R21-1	Transfer of Collection Responsibility of State Agencies (5YR EXTENSION)	29917	NSC	08/29/2007	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R21-2	Office of State Debt Collection Administrative Procedures	30375	5YR	08/29/2007	2007-18/71
R21-2	Office of State Debt Collection Administrative Procedures (5YR EXTENSION)	29918	NSC	08/29/2007	Not Printed
R21-3	Debt Collection Through Administrative Offset	30376	5YR	08/29/2007	2007-18/71
R21-3	Debt Collection Through Administrative Offset (5YR EXTENSION)	29919	NSC	08/29/2007	Not Printed
<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
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	08/20/2007	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

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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
R58-19	Compliance Procedures	30439	5YR	09/12/2007	2007-19/46
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>Marketing and Development</u>					
R65-11	Utah Sheep Marketing Order	30457	5YR	09/17/2007	Not Printed
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	30475	5YR	09/20/2007	Not Printed
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
<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

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
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	NEW	05/22/2007	2007-3/5
R152-42	Uniform Debt-Management Services Act Rules	29413	CPR	05/22/2007	2007-8/114
<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
R156-26a-302b	Qualifications for Licensure - Experience Requirements	30365	NSC	09/13/2007	Not Printed
R156-28	Veterinary Practice Act Rules	29472	5YR	02/01/2007	2007-4/57
R156-31b	Nurse Practice Act Rules	30248	AMD	09/25/2007	2007-16/4
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

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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	29120	AMD	01/01/2007	2006-21/5
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	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	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	Utah Uniform Building Standard Act Rules	30132	NSC	07/01/2007	Not Printed
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
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

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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
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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

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<u>access to information</u>					
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	29772	R13-2	AMD	05/22/2007	2007-8/3
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<u>accounts receivable administrative offset</u>					
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	29362	R309-300-13	NSC	03/06/2007	Not Printed
	29360	R309-405-4	NSC	03/06/2007	Not Printed
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	30008	R610-1-3	CPR	09/08/2007	2007-15/59
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	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
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	29754	R315-304	5YR	03/30/2007	2007-8/128
	29566	R315-305-4	NSC	03/09/2007	Not Printed
	29206	R315-305-4	AMD	02/01/2007	2006-23/35
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	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
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	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
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	29425	R315-315-2	NSC	02/13/2007	Not Printed
	29215	R315-316	AMD	02/01/2007	2006-23/58
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	29510	R315-320-4	NSC	02/28/2007	Not Printed
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	29098	R317-1-7	AMD	01/19/2007	2006-20/54
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Environmental Quality, Air Quality	29658	R307-223	5YR	03/15/2007	2007-7/158
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	29098	R317-1-7	AMD	01/19/2007	2006-20/54
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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
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<u>water rights</u>					
Natural Resources, Water Rights	30401	R655-6	5YR	09/06/2007	2007-19/67
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Natural Resources, Water Rights	30181	R655-2	5YR	07/12/2007	2007-15/69
<u>water slides</u>					
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<u>water system rating</u>					
Environmental Quality, Drinking Water	29363	R309-150	AMD	03/06/2007	2007-2/31
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Natural Resources, Wildlife Resources	30065	R657-9	AMD	08/07/2007	2007-13/88
<u>watershed management</u>					
Environmental Quality, Drinking Water	29369	R309-105	AMD	03/06/2007	2007-2/15
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<u>wild turkey</u>					
Natural Resources, Wildlife Resources	30074	R657-54	AMD	08/07/2007	2007-13/125
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	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
	30084	R657-28	AMD	08/07/2007	2007-13/101
	30036	R657-28	NSC	08/14/2007	Not Printed
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	30069	R657-33	AMD	08/07/2007	2007-13/111
	29402	R657-33	AMD	03/12/2007	2007-3/24
	29329	R657-38	AMD	02/07/2007	2007-1/35
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	30076	R657-42	AMD	08/07/2007	2007-13/118
	30072	R657-43	AMD	08/07/2007	2007-13/120
	29704	R657-43	NSC	04/12/2007	Not Printed
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	29536	R657-51	NSC	04/23/2007	Not Printed
	29530	R657-51	REP	04/23/2007	2007-6/27
	29751	R657-53	AMD	05/22/2007	2007-8/92
	30074	R657-54	AMD	08/07/2007	2007-13/125
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Tax Commission, Auditing	29707	R865-14W	5YR	03/19/2007	2007-8/146
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Labor Commission, Adjudication	30317	R602-1	5YR	08/15/2007	2007-17/61
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	30035	R657-18	NSC	08/07/2007	Not Printed
<u>wood furniture</u>					
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Transportation, Operations, Traffic and Safety	30299	R920-3	5YR	08/10/2007	2007-17/65
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Administrative Services, Risk Management	30047	R37-2	5YR	06/08/2007	2007-13/140
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	29957	R602-2-4	AMD	07/24/2007	2007-12/40
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	29948	R612-2-27	AMD	07/10/2007	2007-11/71
	30110	R612-2-27	NSC	07/11/2007	Not Printed
	29124	R612-4-2	AMD	01/01/2007	2006-21/49
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	29310	R313-35	NSC	03/05/2007	Not Printed
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Human Services, Administration, Administrative Services, Licensing	29874	R501-8	NSC	05/14/2007	Not Printed
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