UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed September 3, 2008, 12:00 a.m. through September 15, 2008, 11:59 p.m.

Number 2008-19
October 1, 2008

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The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: http://www.rules.utah.gov/

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

Division of Administrative Rules, Salt Lake City 84114

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Utah state bulletin.
Semimonthly.
1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
I. Utah. Office of Administrative Rules.

KFU440.A73S7
348.792'025--DDC 85-643197

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SPECIAL NOTICES

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

PROCLAMATION

WHEREAS, since the adjournment of the 2008 General Session of the Fifty-Seventh Legislature of the State of Utah, matters have arisen that require immediate legislative attention; and,

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

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Fifty-Seventh Legislature of the State of Utah into a Second Special Session at the State Capitol Complex, in Salt Lake City, Utah, on the 25th day of September 2008, at 9:00 a.m., for the following purposes:

1. To make adjustments to the FY2009 budget to conform with the most recent revenue estimates and to make amendments to statutes necessary to implement those budget adjustments.

2. To consider amending state and local sales and use tax provisions to address the transactions eligible for exemption as aircraft parts and equipment and to require the exemption to be claimed by refund under certain circumstances.

3. To consider legislation allowing the State Board of Education to exempt a school district or charter school from testing requirements under the Utah Performance Assessment System for Students (U-PASS).

4. To consider issuance of general obligation bonds for capital facilities and transportation projects.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol Complex in Salt Lake City, Utah, this 22nd day of September, 2008.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

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 3, 2008, 12:00 a.m., and September 15, 2008, 11:59 p.m. are included in this, the October 1, 2008, 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, 2008. 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 63G-3-302 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, 2009, 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 63G-3-301; 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.

Administrative Services, Facilities Construction and Management
R23-19
Facility Use Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31931
FILED: 09/08/2008, 10:51

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to prohibit the use of personal space heaters in state facilities and grounds owned, occupied, or leased by the state for the use of its departments and agencies except for persons with a medical-related condition who have obtained approval by the managing agency in accordance with the specifications in Subsections R23-19-4(5)(b) and (c).

SUMMARY OF THE RULE OR CHANGE: This amendment prohibits the use of personal space heaters in state facilities and grounds owned, occupied, or leased by the state for the use of its departments and agencies except for persons with a medical-related condition who request approval from the managing agency. The request for approval shall include a signed statement by a Utah-licensed physician verifying that the medical condition requires a change in the standard room temperature. If the managing agency approves the use of a space heater, it shall not exceed 900 watts at its highest setting; be equipped with a self-limiting element temperature setting; have a tip-over safety device; be equipped with a built-in timer not to exceed eight hours; be equipped with a programmable thermostat; and be equipped with an overheat protection feature.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63A-5-103 and 63A-5-204

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: It is anticipated this amendment will result in a minimal savings to the state budget. The state is currently incurring electrical costs for numerous existing unauthorized space heaters in state facilities and grounds owned, occupied, or leased by the state for the use of its departments and agencies. Removal of these unauthorized space heaters will result in a minimal cost savings but the actual amount is unknown until this rule is implemented.

❖ LOCAL GOVERNMENTS: There will be no cost to local government because local governments do not have any jurisdiction or costs associated with state facilities and grounds owned, occupied, or leased by the state for the use of its departments and agencies.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There will be no cost to small businesses (fewer than 50 employees) AND persons other than businesses because small businesses do not have any costs associated with state facilities and grounds owned, occupied, or leased by the state for the use of its departments and agencies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons because this rule applies to State facilities and grounds owned, occupied, or leased by the state for the use of its departments and agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact on businesses will be negligible. Kimberly Hood, Executive Director

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

ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
Room 4110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
La Priel Dye, Priscilla Anderson, or Alan Bachman at the above address, by phone at 801-538-3240, 801-538-9595, or 801-538-3105, by FAX at 801-538-3313, 801-538-3378, or 801-538-3313, or by Internet E-mail at ldye@utah.gov, phanderson@utah.gov, or abachman@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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: D. Gregg Buxton, Director

R23. Administrative Services, Facilities Construction and Management.
R23-19. Facility Use Rules.
R23-19-4. State Office Building Use Requirements.

(1) The Managing Agency may adopt policies, which require a Facility Use Permit to be submitted. Such policies may provide for a waiver of the policy adopted under this Rule R23-19-4(1) under criteria specified in the policies. The policies may specify the form of the application, including:

(a) The time, place, purpose and scope of the proposed activity;

(b) Whether the applicant requests a waiver of any requirement of this rule or provision of the Facility Use Permit;

(c) A certificate of liability insurance in the amount of $1,000,000 per occurrence, except for Freedom of Speech Activities where no insurance is required; and

(d) Any required fee subject to the following:

(i) Fees may be assessed for the use of state facilities and grounds through the written policies of the Managing Agency. When any activity is subject to a fee, the Managing Agency should consider at a minimum the actual cost to the State including utilities, janitorial, security and rental cost for equipment. The following applies to specific activities:

(ii) "Freedom of Speech Activities." There are no fees for freedom of speech activities, but costs for requested use of state equipment or supplies may be assessed through the uniformly applied policies of the Managing Agency.

(ii) "Commercial Activities" or "Private Activities" shall be assessed a fee, which is reasonably comparable to fees charged for similar activities within the County of the state facilities and grounds. There shall be no fee waiver allowed for commercial or private activities.

(iii) "Community Service Activities" shall be assessed a fee of 50 percent of the fee for a commercial activity and such fee may only be waived if requested in a facility use application and granted by the approving authority. There shall be no waiver of the fee related to the costs of requested use of state equipment and supplies, which is assessed through the uniformly applied policies of the Management Agency.

(iv) "State Sponsored Activities." There are no fees for state sponsored activities, except that state agencies will be required to pay the costs and fees identified in the uniform policies of the Management Agency when the activity is not required for the conducting of state business, such as after-hour social events, employee recognition events, and holiday parties.

(2) The proposed activity shall not interfere with the operation of governmental business or public access. No persons shall unlawfully intimidate or interfere with persons seeking to enter or exit any facility, or use of any state facilities and grounds.

(3) The consumption, distribution or open storage of alcoholic beverages in state facilities and grounds is prohibited. This provision shall not apply to state facilities and grounds under the jurisdiction of the Department of Alcohol Beverage Control or golf courses under the Division of Parks and Recreation.

(4) Open flames, flammable fluids, candles, burning incense or explosives are prohibited.

(5)(a) The use of a personal space heater is prohibited, except as provided in Subsection (b).

(b) Any person with a medical related condition may obtain approval by the managing agency to use a personal space heater provided the person submits a signed statement by a Utah licensed physician verifying that the medical related condition requires a change in the standard room temperature and the use of the space heater meets the specifications in Subsection (c).

(c) If a space heater is approved by the managing agency, the space heater shall:

(i) not exceed 900 watts at its highest setting;

(ii) be equipped with a self-limiting element temperature setting for the ceramic elements;

(iii) have a tip-over safety device;

(iv) be equipped with a built-in timer not to exceed eight hours per setting;

(v) be equipped with a programmable thermostat; and

(vi) be equipped with an overheat protection feature.

(d) Nothwithstanding any other provision of this Rule, if the space heater is to be placed in a facility leased by the State through the Division, the placement must also be approved by the Real Estate Section of the Division.

([~~5~~]6) No displays, including but not limited to signs, shall be affixed to state facilities and grounds.

([~~6~~]7) User shall not sublet any part of the premises or transfer or assign the premises or change the purpose of the permitted activity without the written consent of the state.

([~~7~~]8) Alteration and damage to a state facilities and grounds including grass, shrubs, trees, paving or concrete, is prohibited.

([~~8~~]9) All costs to repair any damage or replace any destruction, regardless of the amount or cost of restoration or refurbishing shall be at the expense of the persons(s) responsible for such damage or destruction.

([~~9~~]10) Service animals are permitted, but the presence of other animals is allowed only with advance written permission of the Managing Agency. Owners/caretakers are responsible for the safety to the animal, persons, grounds and facilities.

([~~10~~]11) Littering is prohibited.

([~~11~~]12) Decorations.

(a) All cords must be taped down with 3M #471 tape or equivalent as determined by the Managing Agency.

(b) There shall be no posting or affixing of placards, banners, or signs attached to any part of any building or on the grounds. All signs or placards shall be hand held. Signs or posters may not be on sticks or poles.

(c) No adhesive material, wire, nails, or fasteners of any kind may be used on the buildings or grounds.

(d) Nothing may be used as a decoration, or be used in the process of decorating, that marks or damages structure(s).

(e) All decorations and supporting structures shall be temporary.

(f) Any writing or use of ink, paint or sprays applied to any area of any building is prohibited.

(g) Users may not decorate the outside of any facility or any portion of the grounds.

(h) Signs, posters, decorations, displays, or other media shall be in compliance with the state law regarding Pornographic and Harmful Materials and Performances, Section 76-10-1201 et seq.

([~~12~~]13) Set up/Clean up.

(a) All deliveries and loading/unloading of materials shall be limited to routes and elevators as specified by the Managing Agency.

(b) All decorations, displays and exhibits shall be taken down by the designated end time of the event in a manner that is least disruptive to state business.

(c) Users shall leave all state facilities and grounds in its original condition and appearance.

([~~13~~]14) Parking. There must be compliance with the written parking requirements adopted by the Managing Agency.

([~~14~~]15) Compliance with Laws.

(a) Users shall conform to all applicable and constitutional laws and requirements, including health, safety, fire, building and other codes and similar requirements. Occupancy limits as posted in or applicable to any public area will dictate, unless otherwise limited for public safety, the number of persons who can assemble in the public areas. Under no circumstance will occupancy limits be exceeded. State security personnel shall use reasonable efforts to ensure compliance with occupancy, safety, and health requirements.

(b) Safety requirements as used in this rule include safety and security requirements made known to the Managing Agency by the Utah Department of Public Safety or the federal government for the safety and security of special events and/or persons.

(c) "No Smoking" statutes, rules and policies, including the Utah Indoor Clean Air Act, Section 26-38 et seq. shall be observed.

(d) All persons must obey all applicable firearm laws, rules, and regulations.

([~~15~~]16) Security and Supervision at Events.

(a) The Managing Agency may adopt written policies regarding security requirements for events, which must be followed.

(b) At least one representative of the applicant identified in the application and permit shall be present during the entire activity.

([~~16~~]17) Photography, Portraits and Video/Filming.

(a) Any photography, videotaping or filming, shall require advance notice to, and permission from the Managing Agency for scheduling.

(b) This Subsection (16) shall not apply to tourists and does not apply to the extent it is the exercise of a free speech activity.

([~~17~~]18) Commercial, Private and Community Service Activities. A Managing Agency may determine through its written policies to categorically not allow any commercial, private and/or community service activities. However, if commercial or private activities are allowed, then community service activities shall be allowed subject to all the requirements of this rule and a facility use permit.

([~~18~~]19) Liability.

(a) The state, Managing Agency and their designees, employees and agents shall not be deemed in default of any issued permit, or liable for any damages if the performance of any or all of their obligations under the permit are delayed or become impossible because of any act of God, terrorism, war, riot or civil disobedience, epidemic, strike, lock-out or labor dispute, fire, or any other cause beyond their reasonable control.

(b) Except as required by law, the state shall not be responsible for any property damage or loss, nor any personal injury sustained during, or as a result of, any use, activity or event.

(c) Users/applicants shall be responsible for any personal injury, vandalism, damage, loss, or other destruction of property caused by the user or an attendee at the applicant's event.

([~~19~~]20) Indemnification. Individuals and organizations using any state facilities and grounds do so at their own risk and shall indemnify and hold harmless the state from and against any and all suits, damages, claims or other liabilities due to personal injury or death, and from damage to or loss of property arising out of or resulting from the conduct of such use or activities on the Capitol Hill Complex.

([~~20~~]21) Enforcement of Rules. If any person or group is found to be in violation of any of the applicable laws and rules, a law enforcement officer or state security officer may issue a warning to cease and desist from any non-complying acts. If the law enforcement or security officer observes a non-compliant act after a warning, the officer may take disciplinary action including citations, fines, cancellations of event or activity, or removal from the state facility and grounds.

R23-19-7. Waivers.

(1) The Managing Agency may waive, in writing, the requirements of any provision of this Rule R23-19 upon being presented with compelling reasons that the waiver will substantially benefit the public of the state of Utah and that the facilities, grounds and persons will be appropriately protected. Conditions may be placed on any approved waiver to assure the appropriate protection of facilities, grounds and person. An appeal of a denial of a request for such waiver may be filed and processed similarly to the denial of a Facility Use Permit as described in R23-19-5.

(2) Costs and fees shall be waived for state sponsored activities. However, state agencies will be required to pay the costs and fees identified in the Schedule of Costs and Fees when the activity is not required for the conducting of state business, such as after-hour social events, employee recognition events, and holiday parties. Costs and fees will not be waived for commercial, private and commercial solicitation activities.

(3) Notwithstanding the waiver provisions of this rule, the following may not be waived by the Managing Agency: R23-19-4(2), (4), (5) [~~(7),~~](8), (9), (10), ([~~14~~]11), (15), ([~~17~~]16), (18), (19)[~~and~~], (20) and (21) as well as R23-19-6.

KEY: public buildings, facilities use, space heaters
Date of Enactment or Last Substantive Amendment: [~~June 7, 2007~~]2008
Notice of Continuation: May 24, 2007
Authorizing, and Implemented or Interpreted Law: 63A-5-103; 63A-5-204

♦ ♦

Administrative Services, Facilities Construction and Management
R23-30
State Facility Energy Efficiency Fund

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 31942
FILED: 09/12/2008, 06:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: From H.B. 198, 2008 General Session, Section 63A-5-603 states the State Building Board shall make rules establishing criteria, procedures, priorities, and conditions for the award of loans from the State Facility Energy Efficiency Fund. (DAR NOTE: H.B. 198 (2008) is found at Chapter 334, Laws of Utah 2008, and was effective 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: This rule conducts the responsibilities assigned to the State Building Board and the Division of Facilities Construction and Management in managing the State Facility Energy Efficiency Fund and implementing the associated revolving loan program established in Section 63A-5-603; and establishes requirements for eligibility for loans from the State Facility Energy Efficiency Fund, procedures for accepting, evaluating, and prioritizing applications for loans, and the terms and conditions for loans.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-5-603

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Appropriation to capitalize the fund was a transfer of $3,650,000 from the Stripper Well-Petroleum Violation Escrow fund to the State Facility Energy Efficiency Fund. The state will loan out these funds to agencies for implementation of energy projects and 100% of the funds will be paid back to the fund by the agencies using the associated energy cost savings. The state by investing these funds in

energy projects will continue to receive energy cost savings for many years in the future.

❖ LOCAL GOVERNMENTS: Because local government is not eligible for these funds, the rule will have no effect on local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This rule and subsequent energy projects from the loan fund could impact small businesses if they are selected as contractors or suppliers of materials for the projects.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule simply outlines criteria by which agencies can apply for the use of these funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule and subsequent energy projects from the loan fund could impact businesses if they are selected as contractors or suppliers of materials for the projects. Kimberly Hood, Executive Director

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

ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
Room 4110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
John Harrington at the above address, by phone at 801-538-1477, by FAX at (n/a), or by Internet E-mail at jharrington@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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Kimberly K Hood, Executive Director

R23. Administrative Services, Division of Facilities Construction and Management.

R23-30. State Facility Energy Efficiency Fund.

R23-30-1. Purpose.

This rule is for the purposes of:

(1). Conducting the responsibilities assigned to the State Building Board and the Division of Facilities Construction and Management in managing the State Facility Energy Efficiency Fund and implementing the associated revolving loan program established in Utah Code Section 63A-5-603; and

(2) Establishing requirements for eligibility for loans from the State Facility Energy Efficiency Fund, procedures for accepting, evaluating, and prioritizing applications for loans, and the terms and conditions for loans.

R23-30-2. Authority and Requirements for this Rule.

Pursuant to Utah Code Section 63A-5-603, the State Building Board shall make rules establishing criteria, procedures, priorities, conditions for the award of loans from the State Facility Energy Efficiency Fund and other requirements for the rule as specified in Section 63A-5-603.

R23-30-3. Definitions.

(1) "Board" means the State Building Board.

(2) "Energy cost payback" means the period of time, generally expressed in years, that is needed for the energy cost savings of an energy efficiency project to equal the cost of the energy efficiency project. It does not include the time-value of money and is sometimes referred to as simple payback.

(3) "Energy savings" means monies not expended by a state agency as the result of energy efficiency measures.

(4) "Fund" means the State Facility Energy Efficiency Fund under Section 63A-5-603.

(5) "Quarter" means a three month period beginning with one of the following dates: January 1, April 1, July 1, and October 1.

(6) "SBEEP" means the State Building Energy Efficiency Program, a program within the Division of Facilities Construction and Management, which is required by Section 63A-5-603 to serve as staff to the revolving loan program associated with the State Facilities Energy Efficiency Fund.

(7) "DFCM" means the Division of Facilities Construction and Management.

(8) "State Agency" means a state agency as defined in Section 63-9-67.

(9) "SBEEP Manager" means the designee of the DFCM Director that manages the SBEEP Program.

R23-30-4. Eligibility of Projects for Loans.

(1) Eligibility for loans from the Fund is limited to state agencies.

(2) Loans may be used only by state agencies to fully or partially finance energy efficiency projects within buildings owned and controlled by the state.

(3) For energy efficiency projects involving renovation, upgrade, or improvement of existing buildings, the following project measures may be eligible for loan financing from the Fund:

(a) Building envelope improvements;

(b) Increase or improvement in building insulation;

(c) Lighting upgrades;

(d) Lighting delamping;

(e) Heating, ventilation, and air conditioning (HVAC) replacements or upgrades;

(f) Improvements to energy control systems;

(g) Other energy efficiency projects or programs that a state agency can demonstrate will result in a significant reduction in the consumption of energy. ; and

(h) Renewable energy projects.

(4) There is no limit to the total number of loans a single state agency may receive from the Fund.

(5) An energy efficiency project is eligible for a loan only if the loan criteria is met, including an acceptable energy cost payback, all subject to approval by the Board.

R23-30-5. Eligible Costs.

(1) This Rule R23-30-5 defines the specific costs incurred by an energy efficiency project that may be eligible for financing from the Fund.

(2) The following direct costs of an energy efficiency project may be eligible for financing, subject to the remaining conditions of this section:

(a) Building materials;

(b) Doors and windows;

(c) Mechanical systems and components including HVAC and hot water;

(d) Electrical systems and components including lighting and energy management systems;

(e) Labor necessary for the construction or installation of the energy efficiency project;

(f) Design and planning of the energy efficiency project;

(g) Energy audits that identify measures included in the energy efficiency project; and

(h) Inspections or certifications necessary for implementing the energy efficiency project.

(3) The following costs are not eligible for financing from the Fund: The costs of a renovation project that are not directly related to energy efficiency measures;

(4) In cases for which the state agency receives a financial incentive or rebate from a utility or other third party for undertaking some or all of the measures in an energy efficiency project, such incentives or rebates are to be deducted from the costs that are eligible for financing from the Fund. No loans made from the Fund may exceed the final cost incurred by the state agency for the project after third party financing.

(5) For an energy efficiency project undertaken as part of the renovation of an existing building, building components or systems that are covered by the prescriptive requirements of the Utah Energy Code must exceed the minimum Utah Energy Code requirements in order for their costs to be eligible for a loan from the Fund. In addition, each project must comply with all applicable DFCM energy design requirements as well as all applicable codes, laws and regulations.

R23-30-6. Loan Application Process.

(1) The Board shall receive and evaluate applications for loans from the Fund. Notice of due dates for applications will be made available to state agencies no less than thirty (30) days in advance of the next scheduled Board meeting at which applications will be evaluated.

(2) State agencies interested in applying for a loan should first contact the SBEEP Manager. The SBEEP Manager will consult or meet with the state agency to make an initial assessment of the strength or weakness of a proposed project. The SBEEP Manager may also choose to conduct a site visit and inspection of the proposed project location prior to the submittal of an application and the state agency shall cooperate with the SBEEP Manager in making the relevant aspects of site available for such site visit and inspection. The SBEEP Manager may assist state agencies in assessing potential project measures and in preparing an application.

(3) Applications for loans will be made using forms developed by the SBEEP Manager. State agencies shall provide the following information on the forms developed by the SBEEP Manager and approved by the Board:

(a) Name and location of the state agency;

(b) Name and location of the building or buildings where the energy efficiency project will take place;

(c) A description of the building or buildings, including what the building is used for, seasonal variations in use, general construction of the building, and square footage;

(d) A description of the current energy usage of the building, including types and quantities of energy consumed, building systems, and the age of the building and the particular systems and condition;

(e) A description of the energy efficiency project to be undertaken, including specific measures to be undertaken, the cost or incremental cost of each measure, and the equipment or building materials to be installed;

(f) Projected or estimated energy savings that result from each measure undertaken as part of the project;

(g) Projected or estimated energy cost savings from each measure undertaken as part of the project;

(h) A description of how energy cost savings will be measured and verified as well as describing the commissioning procedures for the project;

(i) A description of any additional community or environmental benefits that may result from the project; and

(j) plans and specifications shall accompany the form which describes the proposed energy efficiency measures.

(4) Applications shall be received for the Board by the SBEEP Manager. The SBEEP Manager will conduct an initial review of each application. This initial review will be for the purpose of determining the completeness of the application, whether additional information is needed, provide advice on the likelihood that proposed projects, measures, and costs may be eligible for loan financing, and to assist the state agency in improving its application.

(5) When the SBEEP Manager has determined that an application is complete and that the proposed project complies with this rule, the application will be forwarded to the Board for its evaluation.

(6) The SBEEP Manager shall make a recommendation to the Board using the following criteria and scoring:

(a) The feasibility and practicality of the project (maximum 30 points);

(b) The projected energy cost payback period of the project (maximum 20 points);

(c) The energy cost savings attributable to eligible energy efficiency measures (maximum 30 points);

(d) The financial need of the agency for the loan including its financial condition (maximum 10 points);

(e) The environmental and other benefits to the state and local community attributable to the project (maximum 10 points);

(f) The availability of another source of funding may result in a reduction in the number of overall points in proportion to the likelihood of such other source of funding and the degree to which the source of other funding will fund the entire project. If the other source of funding is likely and funds the entire project, then the SBEEP Manager may recommend to the Board that the project is ineligible for funding and the Board may so determine;

(g) If there are matching funds from another source that is available for the project, the SBEEP Manager may add points to the overall score to the project in proportion to the likelihood that the matching funds will be available and the degree to which the matching funds applies to the entire project; and

(h) The SBEEP Manager may deduct points from the score of the entire project if the state agency has not used funds properly in the past, not performed the work properly in the past, not provided annual reports or access for inspections, any of which based on the degree of noncompliance.

Based upon the score as determined by the SBEEP Manager, the SBEEP Manager will make recommendations to the Board for the funding of energy efficiency projects. The SBEEP Manager may have

the assistance of others with the appropriate expertise assist with the review of the application. The SBEEP Manager and any others that assist the SBEEP Manager in scoring the application must disclose to the Board any conflicts of interest that exist in regard to the review of the application. For applications that receive an average score of less than 70 points, the SBEEP Manager shall recommend that the Board not provide a loan from the Fund. Applications receiving an average score over 70 will normally be recommended by the SBEEP Manager for funding. However, if the current balance of the fund does not permit for the funding of all projects with an average score over 70, the SBEEP Manager will recommend, beginning with the highest scoring application and working downward in score, those applications that may be funded given the current balance of the Fund.

(7) The SBEEP Manager provides advice and recommendations to the Board. The SBEEP Manager is not vested with the authority to make decisions regarding the public's business in connection with the Fund. The Board is the decision making authority with regard to the award of loans from the Fund.

(8) Based upon the SBEEP Manager's scoring, evaluations and recommendations, SBEEP will prepare a memorandum for the Board that will:

(a) Provide a brief description of each project reviewed by the SBEEP Manager;

(b) List the energy savings, energy cost savings, and cost payback for each project as estimated by the applicant;

(c) List the energy savings, energy cost savings, and cost payback for each project as estimated by the SBEEP technical specialist for the program;

(d) List the total score and the score for each evaluation criterion for each application;

(e) Specify projects recommended for funding and those not recommended for funding;

(f) Provide a brief explanation of the SBEEP Manager's rationale for each application that is not recommended for funding.

This memorandum is to be provided to each member of the Board no less than ten (10) calendar days prior to the next scheduled Board meeting at which applications will be evaluated.

(9) At its next scheduled meeting after the SBEEP Manager has submitted the recommendations to the Board, the Board will consider pending applications for loans from the Fund and will review the SBEEP Manager's recommendations for each project. The Board will also provide an opportunity for applicants and other interested persons to comment regarding the recommendations and information provided by the SBEEP Manager, the Board will then review and made determinations regarding the applications.

(10) When considering Loan applications, the Board may modify the dollar amount or project scope for which a loan is awarded if the Board determines that individual measures included in a project do not meet the requirements of this rule, are not cost effective, or that funds could better be used for funding of other projects.

(11) In reviewing energy efficiency measures for possible funding after receiving the report and recommendations of the SBEEP Manager and other testimony and documents provided to the Board, the Board shall:

(a) review the loan application and the plans and specifications for the energy efficiency measures;

(b) determine whether to grant the loan by applying the loan eligibility criteria; and

(c) if the loan is granted by the Board, prioritize the funding of the energy efficiency measures by applying the prioritization criteria.

(12) The Board may condition approval of a loan application and the availability of funds on assurances from the state agency that the Board considers necessary to ensure that the state agency:

(a) uses the proceeds to pay the cost of the energy efficiency measures; and

(b) implements the energy efficiency measures.

R23-30-7. Loan Terms.

(1) The amount of a loan award approved by the Board represents a maximum approved project cost. The final value of any loan may vary from the Board-approved amount according to the actual incursion of costs by the state agency. In cases where costs have exceeded those presented in the initial application, a state agency may request that the Board increase its loan award, by filing a written request with the SBEEP Manager. The Board can approve or deny any such requests if good cause has been submitted by the state agency for such increase.

(2) After approval of a loan application by the Board, a state agency must complete the project in accordance with the construction schedule provided in the approved application for the energy efficiency project. If the state agency is unable to complete the project on time, prior to the deadline, the state agency may request an extension from the Board, by filing a written request with the SBEEP Manager, if good cause has been submitted by the state agency for such extension.

(3) Loan amounts from the Fund will be disbursed only upon documentation of actual costs incurred from the state agency during construction of the energy efficiency project.

(4) Once a project has been completed as determined by the SBEEP Manager, the state agency shall provide to the SBEEP Manager, documentation of actual costs incurred, such as invoices from contractors, as well as information on any third party financial incentives received. SBEEP will use this information to determine the actual cost of the project measures approved by the Board.

(5) The final loan amount will be equal to actual costs incurred for the project minus the value of any third party incentives received unless

(a) This amount exceeds the amount approved by the Board, in which case the loan amount will be set at the amount originally approved by the Board; or

(b) This amount exceeds the amount approved by the Board and the Board increases the loan award at the request of the state agency.

(6) The Board will establish repayment terms and interest rates.

(7) State Agencies that are approved by the Board for a loan award will enter into a contract with the Board that specifies all terms applying to the loan, including the terms specified in this rule and other contract terms deemed necessary by the Board to carry out the purposes of this rule. The Board may authorize the SBEEP Manager to execute the contract on its behalf. The SBEEP Manager shall thereafter provide a copy of the contract to the Board at its next available regular meeting after complete execution of the contract, in order that the Board be kept apprised of all contracts.

R23-30-8. Reporting and Site Visits.

(1) In the period between Board approval and project completion, the state agency shall complete and provide to the SBEEP Manager, a written report at the beginning of each calendar quarter. The report shall include information on the state agency's progress in completing the energy efficiency project, its most-current estimate for the time of project completion, and any notable problems or changes in the project since Board approval, such as construction delays or cost overruns.

(2) After loan funds have been disbursed, the state agency shall complete and provide to SBEEP annual reports due at the beginning of the calendar quarter in which the anniversary of the loan disbursement occurs. This report shall include the following:

(a) A description of the performance of the building and of the performance of the measures included in the energy efficiency project;

(b) A description of any notable problems that have occurred with the building or the project;

(c) A description of any notable changes to the building or to its operations that would cause a significant change in its energy consumption;

(d) Copies of energy bills incurred for the building during the prior year such as electric and utility bills or shipping invoices for fuels such as fuel oil or propane;

(e) Documentation of energy consumed by the building in the prior year; and

(f) Other information requested by the SBEEP Manager or deemed important by the state agency.

Annual reports shall be provided for either the first four years after project completion or for each year of the repayment period, which is longer.

(3) Approximately one year after project completion, the SBEEP Manager will conduct a site visit to the location of the energy efficiency project to verify project completion and assess the success of the project. Additional site visits may also be conducted by the SBEEP Manager during the repayment period. Loan recipients will assist the SBEEP Manager with such site visits, including providing access to all components of the energy efficiency project.

KEY: energy, efficiency, agencies, loans
Date of Enactment or Last Substantive Amendment: 2008
Authorizing, and Implemented or Interpreted Law: 63A-5-603

♦ ♦

Commerce, Occupational and Professional Licensing

R156-55c

Construction Trades Licensing Act Plumber Licensing Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31941
FILED: 09/11/2008, 14:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Plumbers Licensing Board are proposing amendments to this rule to update statutory citations as a result of the governing statute, Title 58, Chapter 55, being amended by several bills during the 2008 Legislative Session (H.B. 401, H.B. 459, S.B. 228, and S.B. 295). Proposed amendments are also clarifying examination requirements and master plumber/residential master plumber supervisory experience and education requirements. (DAR NOTES: H.B. 401 (2008) is found at Chapter 215, Laws of Utah 2008, and was effective 05/05/2008. H.B. 459 (2008) is found at Chapter 354, Laws of Utah 2008, and was effective 05/05/2008. S.B. 228 (2008) is found at Chapter 282, Laws of Utah 2008, and was effective 05/05/2008. S.B. 295 (2008) is found at Chapter 377, Laws of Utah 2008, and was effective 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: Throughout the rule, statutory citations have been updated where needed. Also throughout the rule the term "rules" has been replaced with "rule" where applicable. In Section R156-55c-302c, regarding examination requirements, under the existing rule an applicant is allowed with prior approval to take the licensing examination twice with at least 30 days between the part of the examination failed. An applicant is given six months to complete the licensing examinations. An applicant who fails the examination twice is to meet with the Board. The Board then outlines a remedial program of education or work experience. The proposed amendments to this section would allow an applicant to take the licensing examination three times with at least 25 days between each test failure. The practical section of the examination is currently given every two months with the anticipation that in the future it may be offered on a monthly basis. The proposed amendment would allow an applicant to retake the practical section of the examination without having to wait approximately 60 days before taking the test again. If an applicant does not pass all sections of the examination within three attempts or within six months, whichever occurs first, the applicant's application for licensure would be denied. Section R156-55c-302d is being added to clarify the master plumber/residential master plumber supervisory experience and education requirements. In Section R156-55c-501, regarding unprofessional conduct, updated the wording with respect to the failure of a plumbing contractor to certify a plumber's work experience hours.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur minimal costs of approximately $100 to reprint the rule once the proposed amendments are made effective. Costs incurred will be absorbed in the Division's current budget.

❖ LOCAL GOVERNMENTS: The proposed amendments do not apply to local governments. Proposed amendments only apply to licensed plumbers and applicants for licensure as a plumber in various classifications.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The proposed amendments only apply to licensed plumbers and applicants for licensure as a plumber in the various classifications. Some of these classifications to whom the proposed amendments apply may be considered a "small business". Employers often assist their employees with the cost of becoming licensed as a plumber and many of these employers have fewer than 50 employees. Instead of the ability to test two times, under the proposed amendments an applicant would be able to test a third time. The cost for the testing, depending on the number of test sections taken, would range from $72 to $432 per applicant. An applicant who fails the examination after three times may submit a new

application which includes a fee of $110. The number of applicants submitting a new application or the number of applicants needing to retake sections of the licensing examination is not know to the Division. However, the numbers should be reduced due to an applicant's ability to take the examination one additional time. Currently those applicants who fail the examination after two attempts are required by the Board to attend a semester of school as remedial education. With the proposed amendments, the remedial education provision is removed thus potentially saving an applicant both time and money at an average of $454 for a semester of school.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to licensed plumbers and applicants for licensure as a plumber in the various classifications. Instead of the ability to test two times, under the proposed amendments an applicant would be able to test a third time. The cost for the testing, depending on the number of test sections taken, would range from $72 to $432 per applicant. An applicant who fails the examination after three times may submit a new application which includes a fee of $110. However, the numbers should be reduced due to an applicant's ability to take the examination one additional time. Currently those applicants who fail the examination after two attempts are required by the Board to attend a semester of school as remedial education. With the proposed amendments, the remedial education provision is removed thus potentially saving an applicant both time and money at an average of $454 for a semester of school.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing permits applicants six months and three opportunities to take required examinations; as required by recent statutory changes to the Construction Trades Licensing Act, adopts education and experience requirements for master plumbers and master residential plumbers; and makes it unprofessional conduct to fail to certify an employee's experience and supervisory hours. No fiscal impact to businesses is anticipated from this filing beyond those addressed in the statutory amendment and those discussed in the rule summary. 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:
Dennis Meservy at the above address, by phone at 801-530-6375, by FAX at 801-530-6511, or by Internet E-mail at dmeservy@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2008

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/29/2008 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474, Salt Lake City UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.
R156-55c. Construction Trades Licensing Act Plumber Licensing Rule[~~s~~].
R156-55c-101. Title.

Th[~~ese~~]is rule[~~s are~~] is known as the "Construction Trades Licensing Act Plumber Licensing Rule[~~s~~]".

R156-55c-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 55, as used in Title 58, Chapters 1 and 55 or th[~~ese~~]is rule[~~s~~]:

(1) "Board" means the Plumbers Licensing Board.

(2) "Plumber" means apprentice plumber, residential apprentice plumber, journeyman plumber, and residential journeyman plumber.

(3) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 55, is further defined in accordance with Subsection 58-1-203(1)(e), in Subsection R156-55c-501.

R156-55c-103. Authority - Purpose.

Th[~~ese~~]is rule[~~s are~~] is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 55.

R156-55c-302a. Qualifications for Licensure - Application Requirements.

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

(1) an applicant for licensure shall submit an application for license only after having met all requirements for licensure set forth in Section 58-55-302 and th[~~ese~~]is rule[~~s~~]; and

(2) the application must be accompanied by all documents or other evidence required demonstrating the applicant is qualified for licensure.

R156-55c-302b. Qualification for Licensure - Training and Instruction Requirement.

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

(1) An applicant for a journeyman plumber's license shall demonstrate successful completion of the requirements of either paragraph (a) or (b):

(a)(i) 8,000 hours of training and instruction in not less than four years that meets the requirements of Subsections R156-55c-302b(4) and (6).

(ii) the 8,000 hours shall include 576 clock hours of related classroom instruction that meets the requirements of Subsection R156-55c-302b(5);

(iii) the apprenticeship shall be obtained while licensed as an apprentice plumber or residential apprentice plumber;

(iv) the apprenticeship shall include on the job training and instruction in seven of the nine work process areas listed in Table I; and

(v) the hours obtained in any work process area shall be at least the number of hours listed in Table I.

(b)(i) 16,000 hours of on the job training and instruction in not less than eight years;

(ii) the apprenticeship shall be obtained while licensed as an apprentice plumber;

(iii) the hours shall include on the job training and instruction in seven of the nine work process areas listed in Table I; and

(iv) the hours obtained in any work process shall be at least the number of hours listed in Table I.

TABLE I
Training and Instruction

Work Process	Minimum Hours
A. Use of hand tools, equipment and pipe machinery	200
B. Installation of piping for waste, soil, sewer and vent lines	2,000
C. Installation of hot and cold water for domestic purposes	1,400
D. Installation and setting of plumbing appliances and fixtures	1,400
E. Maintenance and repair of plumbing	600
F. General pipe work including process and industrial hours	600
G. Gas piping or service piping	400
H. Welding, soldering and brazing as it applies to the trade	100
I. Service and maintenance of gas controls and equipment	100

(2) An applicant for a residential journeyman plumber's license shall demonstrate successful completion of the requirements of paragraph (a) or (b):

(a)(i) 6,000 hours of training and instruction in not less than three years that meets the requirements of Subsections R156-55c-302b(4) and (6).

(ii) the 6,000 hours shall include 432 clock hours of related classroom instruction that meets the requirements of Subsection R156-55c-302b(5);

(iii) the 6,000 hours shall be obtained while licensed as an apprentice plumber or residential apprentice plumber;

(iv) the apprenticeship shall include on the job training and instruction in six of the eight work process areas listed in Table II; and

(v) the hours obtained in any work process area shall include at least the number of hours listed in Table II.

(b)(i) 12,000 hours of experience in not less than six years which has been documented using a form provided by the division;

(ii) the experience shall be obtained while licensed as an apprentice plumber or residential apprentice plumber;

(iii) at least 9,000 hours of experience shall be directly involved in the plumbing trade;

(iv) the hours shall be in six of the eight work process areas listed in Table II; and

(v) the hours obtained in any work process area shall include at least the number of hours listed in Table II.

TABLE II
Training and Instruction

Work Process	Minimum Hours
A. Use of hand tools, equipment and pipe machinery	100
B. Installation of piping for waste, soil, sewer and vent lines	1,600
C. Installation of hot and cold water for domestic purposes	1,200
D. Installation and setting of plumbing appliances and fixtures	1,000
E. Maintenance and repair of plumbing	600
F. Gas piping or service piping	400
G. Service and maintenance of gas controls and equipment	100
H. Welding, soldering and brazing as it applies to the trade	100

(3) A licensed residential journeyman plumber applying for a journeyman plumber's license shall complete 2,000 hours of on the job training in industrial or commercial plumbing while licensed as an apprentice plumber or residential apprentice plumber, which shall include successful completion of an approved fourth year course of classroom instruction.

(4) On the job training and instruction required in this section shall include measurements of an apprentice's performance in the plumbing trade.

(5) Formal classroom instruction required by this section shall meet the following requirements:

(a) instruction shall be conducted by an entity approved by the Board of Regents or by another entity that demonstrates to the division and board that it conducts equivalent classroom instruction; and

(b) instruction shall be conducted by competent qualified staff and shall include measures of competency and achievement level of each apprentice.

(6) Apprentice plumbers and residential apprentice plumbers shall engage in the plumbing trades only in accordance with the following:

(a) except as provided in Subsection 58-55-302(3)([~~e~~]e)(ii) for fourth through tenth year apprentices, while engaging in the plumbing trade, an apprentice plumber or residential apprentice plumber shall be under the immediate supervision of a journeyman plumber for commercial or industrial work, and by a residential journeyman or journeyman plumber for residential work;

(b) the apprentice shall engage in the plumbing trade in accordance with the instruction of the supervising plumber; and

(c) the apprentice shall work in a ratio of not to exceed two apprentice plumbers to one supervising plumber.

R156-55c-302c. Qualifications for Licensure - Examination Requirements.

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

(1) The applicant shall obtain a score of 70% on the Utah Plumbers Licensing Examination which shall consist of a written section and practical section.

(2) Admission to the examinations is permitted after the applicant has completed all requirements for licensure set forth in Sections R156-55c-302a, R156-55c-302b and R156-55c-302c.

(3) An examinee who passes one section of the Utah Plumbers Licensing Examination and fails the other section shall be required to retake and pass only the section failed.

(4) If an applicant fails one or more sections of the examination, the applicant shall retake the section of the examination failed no more than two additional times with at least 25 days between tests.[~~An examinee who fails either or both sections of the Utah Plumbers Licensing Examination two times shall not be permitted to retake the examination until:~~

~~(a) the examinee completes a remedial program of education of one semester of school for each test section failed twice; or~~

~~(b) the examinee meets with the Board and completes an alternate remedial program outlined by the Board.~~

~~(c) After completing the required remedial program, the examinee shall retake the failed portions of the examination a maximum of two times of the next two examinations offered.~~

~~(d) Failure to pass the failed portions of the examination upon retake shall result in denial of the application for licensure. An applicant continuing to seek licensure shall reapply for licensure by filing a new application with the required fee and may do so only after completing additional remedial education and experience as determined by the division and the board.~~]

(5) If an applicant does not pass the failed section of the examination upon the second retake or within six months of initially being approved to test, whichever occurs first, as provided in Subsection (4), the application shall be denied.

R156-55c-302d. Qualifications for Licensure - Master Supervisory Experience and Education Requirements.

In accordance with Subsections 58-55-302(3)(a)(i)(A) and 58-55-302(3)(b)(i), the minimum supervisory experience qualifications for licensure as a master plumber and residential master plumber are established as follows:

(1) An applicant shall demonstrate successful completion of 4000 hours of supervisory experience that includes each of the following categories and minimum number of hours:

(a) supervising employees: 700 hours;

(b) supervising construction projects: 700 hours;

(c) cost/price management: 300 hours; and

(d) miscellaneous construction experience: 300 hours in any one or more of the following: accounting/financial principles, contract negotiations, conflict resolutions, marketing, human resources and government regulation pertaining to business and the construction trades.

(2) The following, or the substantial equivalent thereof, as determined by the Board in collaboration with the Commission, shall apply to the minimum supervisory experience qualifications established in Subsection (1):

(a) supervisory experience shall be obtained while licensed in the proper license classification as either a journeyman plumber or a residential journeyman plumber;

(b) supervisory experience shall be obtained as an employee of a licensed plumbing contractor, whose employer covers the applicant with workers compensation and unemployment insurances and deducts federal and state taxes from the applicant's compensation;

(c) all supervisory experience shall be under the immediate supervision of the applicant's employer as defined in Subsection 58-55-102(20); and

(d) no more than 2000 hours of experience may be earned during any 12-month period.

(3) An associate of applied science or similar or higher educational degree, in accordance with Subsection 58-55-302(3)(a)(i)(B), shall fulfill 2000 hours of the 4000 hour supervisory experience requirement. Such an applicant shall complete the remaining minimum 2000 hour supervisory experience listed above in Subsection R156-55c-302d(1).

(a) The degree shall be accredited by one of the following:

(i) Middle States Association of Colleges and Schools;

(ii) New England Association of Colleges and Schools;

(iii) North Central Association of Colleges and Schools;

(iv) Northwest Commission on Colleges and Universities;

(v) Southern Association of Colleges and Schools; or

(vi) Western Association of Schools and Colleges.

(b) The degree shall be in one of the following courses of study:

(i) accounting;

(ii) apprenticeship;

(iii) business management;

(iv) communications;

(v) computer systems and computer information systems;

(vi) construction management;

(vii) engineering;

(viii) environmental technology;

(ix) finance;

(x) human resources; or

(xi) marketing.

R156-55c-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) engaging in the plumbing trade as an apprentice plumber or residential apprentice plumber on a commercial or industrial project when not under the immediate supervision of a journeyman plumber;

(2) engaging in the plumbing trade as an apprentice plumber or as a residential apprentice plumber on a residential project when not under the immediate supervision of a residential journeyman or journeyman plumber, except as provided in Subsection 58-55-302(3)([~~c~~]e)(ii);

(3) engaging in the plumbing trade as an apprentice plumber except in accordance with instructions of the supervising plumber;

(4) acting as a journeyman plumber or residential journeyman plumber while supervising more than two apprentice plumbers;

(5) failure as a licensed plumber to carry a copy of his current plumber's license on his person or in close proximity to his person when performing plumbing work or to display that license upon request of a representative of the division or any law enforcement officer; and

(6) failure as a plumbing contractor to certify [~~an apprentice's~~]work experience and supervisory hours when requested by a[~~n apprentice~~] plumber who is or has been an employee of the plumbing contractor.

KEY: occupational licensing, licensing, plumbers, plumbing
Date of Enactment or Last Substantive Amendment: [~~October 11, 2006~~]2008
Notice of Continuation: November 8, 2006
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101

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Crime Victim Reparations, Administration
R270-1-19
Medical Awards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31950
FILED: 09/15/2008, 15:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Crime Victim Reparations Board is evaluating options for implementation of a medical fee schedule or medical bill review. The purpose of the fee schedule or bill review is to bring the Office of Crime Victim Reparations (CVR) inline with what other third party payors pay and to ensure the continued viability of the CVR program by reducing overall payments. That process may involve several additional months of analysis and implementation. While the Crime Victim Reparations Board continues to analyze the issue, it proposes this amendment as an interim medical payment schedule.

SUMMARY OF THE RULE OR CHANGE: The amendment provides that CVR shall pay medical bills at 70% of billed charges. If the victim has medical insurance, CVR will pay the portion of the billed charges for which the victim is responsible except that payment from all sources shall not exceed 70% of billed charges.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-7-521.5

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: As stated above, one of the purposes of the amendment is to reduce overall payments made from the Crime Victim Reparations Fund. If this payment schedule had been used during the last three fiscal years, the average savings would have been approximately $650,000 per year. CVR assumes a similar savings for future years. This will have no impact on the General Fund.
❖ LOCAL GOVERNMENTS: These payments are not made to local government nor are these payments made on behalf of local government. Therefore, this change will have not impact local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This amendment will impact all medical providers, including providers with less than 50 employees. Nonhospital medical providers are currently receiving 100% of eligible billed charges. Under this amendment, they would receive 70% of eligible billed charges. Some victims who have medical insurance and pay their copay to the medical provider may receive a smaller reimbursement from CVR if the payments by insurance and their copays exceed 70% of billed charges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only additional cost would be due to increased work for medical providers who must now decide whether to accept payment from CVR because state law prohibits medical providers from balance-billing the victim once payment from CVR has been accepted. This cost cannot be quantified. CVR anticipates that most medical providers will simply continue to bill CVR as they have in the past without performing extra work to determine whether they will accept payment from CVR.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the analysis from the Office of Crime Victim Reparations to implement the proposed regulation change on Medical Awards (R270-1-19). Based on my review I have concluded that the estimated cost to medical providers (this includes all hospitals and nonhospital medical providers providing services to victims of crime) as a result of this change will be $435,000 in FY 2009 and $650,000 in FY 2010. Robert Yeates, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CRIME VICTIM REPARATIONS
ADMINISTRATION
Room 200
350 E 500 S
SALT LAKE CITY UT 84111-3347, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald B Gordon at the above address, by phone at 801-238-2367, by FAX at 801-533-4127, or by Internet E-mail at rbgordon@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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Ronald B Gordon, Director

R270. Crime Victim Reparations, Administration.
R270-1. Award and Reparation Standards.
R270-1-19. Medical Awards.

A. Pursuant to Subsection 63M-7-511(4)(b), medical awards are subject to limitations as follows:

1. All medical costs must be related directly to the victimization and all treatment must be considered usual and customary.

2. The reparation officer reserves the right to audit any and all billings associated with medical care.

3. The reparation officer will not pay any interest, finance, or collection fees as part of the award.

4. [~~After the effective date of this rule, in-patient hospital medical bills shall be reimbursed at a rate established between the CVR office and individual hospitals and shall be considered payment in full. A Memorandum of Agreement shall be signed and kept on file.~~]a. If the claimant has no medical insurance for payment of the victim's medical bill, the Office of Crime Victim Reparations shall pay 70% of billed charges for eligible medical bills.

b. If the claimant has medical insurance or another collateral source for payment of the victim's medical bills, the Office of Crime Victim Reparations shall pay the portion of the eligible medical bills that the claimant is obligated to pay pursuant to the insurance agreement except that payment from all sources including insurance shall not exceed 70% of billed charges.

5. This rule supersedes any other agreements regarding payment of medical bills by the Office of Crime Victim Reparations.

[~~5~~]6. Child endangerment examinations for children that have been exposed to drugs shall be paid for when the health and safety of the child is at risk and no other collateral source is available. The cost of the exam needs to be an expense incurred by the victim. The writing of evidentiary reports and any form of lab testing shall not be covered as part of the examination.

KEY: victim compensation, victims of crimes
Date of Enactment or Last Substantive Amendment: [~~January 2~~], 2008
Notice of Continuation: July 3, 2006
Authorizing, and Implemented or Interpreted Law: 63M-7-501 et seq.

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Education, Administration
R277-438
Dual Enrollment

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31952
FILED: 09/15/2008, 21:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to reflect the directive of S.B. 36, 2008 Legislative Session, which provides for Utah charter school students and Utah online school students to participate in extracurricular activities in compliance with a fee schedule in Rule R277-494 in their resident traditional public school. (DAR NOTE: S.B. 36 (2008) is found at Chapter 233, Laws of Utah 2008, and was effective 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: The rule amendments include: 1) adding and changing definitions; 2) changing the authority and purpose section of the rule to include language that reflects the directive of S.B. 36 and provisions of Rule R277-494; 3) adding a new section to the rule regarding Utah Charter and Online School Student Participation in Extracurricular or Co-curricular School Activities; and 4) adding new language regarding charter and online school disabled student participation in extracurricular or co-curricular activities. Both numbers 3 and 4 would depend upon negotiations between charter/online schools and traditional schools.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(b) and Section 53A-11-102.5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. Implementation of this program is at the local level.

❖ LOCAL GOVERNMENTS: There may be expenses (or savings) to both traditional schools and school districts, and charter schools as they comply with 2008 legislation and this implementing rule. The Utah State Office of Education will gather data through the 2008-09 school year to determine costs to school districts and charter schools and possible savings to both.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small business and persons other than businesses. This rule implements a public school program that specifically requires charter schools to bear the cost of the legislation rather than students or parents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule implements a public school program that specifically requires charter schools to bear the cost of the legislation rather than students or parents. Of course individual charter/online students who desire to participate will pay individual student fees required of all students.

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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

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

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R277. Education, Administration.
R277-438. Dual Enrollment.
R277-438-1. Definitions.

A. "Accredited" means evaluated and approved under the standards of the Northwest Accrediting Association or the accreditation standards of the Board, available from the USOE Accreditation Specialist.

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

C. "Charter school" means a school acknowledged as a charter school by a local board of education under Section 53A-1a-515 and by R277-470, or by the Board under Section 53A-1a-505.

[~~C~~]D. "Dual enrollment student" means a student who is enrolled simultaneously in public school and in a home school, a Utah charter school, a Utah online school, or a regularly established private school.

[~~D~~]E. "Eligibility" means a student's fitness and availability to participate in school activities governed by this rule. Eligibility is determined by a number of factors including residency (of student and legal guardian), scholarship, age, and number of semesters of participation in a particular activity.

[~~E~~]F. "Full-time student" means a student earning the school district designated number(s) and type(s) of credits required for participation in extracurricular or interscholastic activities in the school district in which the student's parent or legal guardian resides.

[~~F~~]G. "Home school" means a school comprised of one or more students officially excused from compulsory public school attendance under Section 53A-11-102.

H. "Online school" means a school:

(1) that provides the same number of classes consistent with the requirement of similar resident schools;

(2) that delivers course work via the internet;

(3) that has designated a readily accessible contact person; and

(4) that provides the range of services to public education students required by state and federal law.

[~~G~~]I. "Previous academic grading period" means the most recent period as defined by the school district for which a student received a recorded grade.

[~~H~~]J. "Private school" means a school satisfying the following criteria:

(1) maintained by private individuals or corporations;

(2) maintained and operated not at public expense;

(3) generally supported, in part at least, by tuition fees or charges;

(4) operated as a substitute for, and giving the equivalent of, instruction required in public schools;

(5) employing teachers able to provide the same quality of education as public school teachers;

(6) established to operate indefinitely and independently, not dependent upon age of the students available or upon individual family situations; and

(7) licensed as a business by the Utah Department of Business Regulations.

K. "School participation fee" means the fee paid by the charter/online school to the traditional school consistent with the fee schedule of R277-494-4 for student participation in extracurricular or co-curricular school activities.

L. "Student participation fee" means the fee charged to all participating charter/online and traditional school students by the resident school for designated extracurricular or co-curricular school activities consistent with R277-407.

[~~I~~]M. "USOE" means the Utah State Office of Education.

R277-438-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which [~~places~~]vests general control and supervision of the public school system under the board, by 53A-1-402(1)(b) which directs the Board to establish rules and minimum standards for access to programs and by Section 53A-11-102.5 directing the Board to make rules [~~for transferability of credits toward graduation that are earned in a private or home school and to make rules necessary~~]to permit home school, charter and online students and private school students to participate in public school extracurricular or co-curricular school activities.

B. The purpose of this rule is to provide consistent statewide procedures and criteria for home school and private school students' participation in public school activities. A further purpose is to provide procedures and criteria for charter school and online school students to participate in traditional public school activities consistent with R277-494.

[~~**R277-438-3. Credit.**~~

~~A. Utah school districts shall accept credits toward graduation from an accredited regularly established private school.~~

~~B. Utah school districts shall provide two or more options to earn credit toward graduation. At least one option shall be provided from among those listed in R277-700-6B(1), and at least one option shall be provided from those listed in R277-700-6B(2).~~

]**R277-438-[4]3. Private and Home School Student Participation in Public School Extracurricular or Co-curricular School Activities.**

A. Students exempted from compulsory public school education by the local board for instruction in private or home schools may be eligible for participation in extracurricular or co-curricular public school activities provided they are taking courses comparable to traditional school courses or earning credit under options outlined in R277-700-6 in at least as many of the designated courses as required by the local board of students for participation in that activity.

B. The private or home school student may only participate in extracurricular or co-curricular school day activities at the school within whose boundaries the student's custodial parent(s) or legal guardian resides.

C. Dual enrollment students shall be eligible for extracurricular or co-curricular school activities consistent with eligibility standards for fully enrolled traditional public school students, including providing report cards and citizenship information to activity sponsors and coaches upon request.

R277-438-[~~5~~]4. Fees for Private and Home School Students.

A. Private and home school students are responsible for [~~school~~]student participation fees in the same manner as full-time public school students.

B. [~~School~~]Student participation fees for private, charter, online or home school students shall be waived by the school or school district if [~~required~~]students are eligible and parents provide required documentation under Section 53A-12-103 and R277-407,

School Fees. The charter or online schools shall be responsible for payment of waived fees to the resident school district.

R277-438-5. Utah Charter and Utah Online School Student Participation in Extracurricular or Co-curricular School Activities.

A. Utah charter school and Utah online school students shall be eligible to participate in extracurricular and co-curricular school activities at their public schools of residence consistent with Section 53A-1a-519, Section 53A-2-214, and R277-494.

B. Charter schools and online schools may determine if the schools shall allow students to participate in extracurricular or co-curricular school activities at the students' resident schools understanding:

(1) That the charter/online school is responsible for the school participation fees associated with the designated activity consistent with Section R277-494-4;

(2) If the charter/online school allows one student to participate in a given activity, the charter/online school shall allow all interested students to participate;

(3) That the charter/online school is responsible for the school participation fee;

(4) That the student shall be allowed to participate only upon payment of the school participation fee by the school;

(5) That the charter/online school shall cooperate fully with all resident schools regarding students' participation in try-outs, practices, pep rallies, team fund raising efforts, scheduled games and required travel and provision of complete and prompt reports of student academic and citizenship progress or grades, upon request; and

(6) That charter/online students' parents are responsible for the students' transportation to the school with which the student participates; and

(7) That the charter/online school is responsible for any student participation fees required of all student participants in the activity if the participating student is eligible for fee waivers under R277-407.

R277-438-6. Miscellaneous Issues.

A. A student attending activities or a portion of the school day under the provisions of Section 53A-11-102.5 shall be subject to the same behavior and discipline rights and requirements of a full-time resident school student.

B. A student who attends an activity or a portion of the school day shall be subject to administrative scheduling and teacher discretion of the traditional school.

C. A student with disabilities may participate as a dual enrollment student consistent with Utah law, this rule and Code of Federal Regulations (CFR) Vol. 64, No. 48, Section 300.450 through 300.455.

(1) If a student with disabilities who attends a charter or online school desires to participate in dual enrollment, the charter/online school is responsible for accommodations or extra costs to the student's resident school for the student's participation.

([~~1~~]2) The student shall have a services plan in place prior to participation in dual enrollment using comparable procedures to those required for identifying and evaluating public school students;

([~~2~~]3) Students with disabilities seeking dual enrollment shall be entitled to services only in the same proportional amount that the number of private school students residing in the district is to the total number of students with disabilities in the district.

([~~3~~]4) Decisions about the scheduling and manner of services provided shall be the responsibility of school and district personnel.

([**~~4~~**]5) Schools and districts are not prohibited from providing services to students who are not enrolled full time in excess of those required by R277-438-6.

KEY: public education, dual enrollment
Date of Enactment or Last Substantive Amendment: [~~May 19, 2005~~]2008
Notice of Continuation: June 1, 2004
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-11-102.5

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Education, Administration
R277-459
Classroom Supplies Appropriation

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31953
FILED: 09/15/2008, 21:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for changes to the one-time funding for classroom supplies appropriation in S.B. 2, 2008 Legislative Session. (DAR NOTE: S.B. 2 (2008) is found at Chapter 397, Laws of Utah 2008, and was effective 03/20/2008.)

SUMMARY OF THE RULE OR CHANGE: The changes include: 1) adding and changing definitions; and 2) changing the manner in which the funds will be distributed and to whom.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(b)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. Funding was provided by the 2008 Legislature with specific direction for distribution.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. Funding was provided by the 2008 Legislature to be distributed to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for eligible teachers.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than business. The program and appropriation relates to public education employees only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Eligible teachers will receive an appropriate portion of the classroom supplies appropriation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. 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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

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

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R277. Education, Administration.
R277-459. Classroom Supplies Appropriation.
R277-459-1. Definitions.

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

B. "Classroom teacher" definition criteria:

(1) Eligible teachers shall be in a permanent teacher position filled by one teacher or two or more job-sharing teachers employed by a school district, the Utah Schools for the Deaf and the Blind, or charter schools.

(2) Eligible teachers are licensed personnel, and paid on a school district's salary schedule or a charter school's salary schedule.

(3) Teachers shall be employed for an entire contract period.

(4) The teacher's primary responsibility shall be to provide instructional or a combination of instructional and counseling services to students in public schools.

C. "[~~Computer Aided Credentials of Teachers in Utah System~~]Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators. The file includes such as:

(1) personal directory information;

(2) educational background;

(3) endorsements;

(4) employment history;

(5) professional development information; and

(6) a record of disciplinary action taken against the educator. All information contained in an individual's CACTUS file is available to the individual, but is classified private or protected under Section [~~63-2-302 or 304~~]63G-2-302 or 305 and is accessible only to specific designated individuals.

D. "Field trip" means a district, or school authorized excursion for educational purposes.

E. "First year classroom teacher/intern" means any teacher who has no experience posted in the teacher's CACTUS file in the school/school district in which the teacher is currently assigned as of the November 15 [~~2007~~]CACTUS update.

F. "Intern" means a teacher education student, who, in an advanced stage of preparation, usually as a culminating experience, may be employed in a school setting for a period of up to one year and receive salary proportionate to the service rendered. An intern is supervised primarily by the school system but with a continuing relationship with college personnel and following a planned program designed to produce a demonstrably competent professional. An intern is licensed under a letter of authorization consistent with R277-503, Licensing Routes.

G. "Second year through fifth year classroom teacher" means any teacher who has one to four years of experience in the teacher's CACTUS file as of the November 15[~~, 2007~~] CACTUS file.

H. "Teaching supplies and materials" means both expendable and nonexpendable items that are used for educational purposes by teachers in classroom activities and may include such items as:

(1) paper, pencils, workbooks, notebooks, supplementary books and resources;

(2) laboratory supplies, e.g. photography materials, chemicals, paints, bulbs (both light and flower), thread, needles, bobbins, wood, glue, sandpaper, nails and automobile parts;

(3) laminating supplies, chart paper, art supplies, and mounting or framing materials;

(4) This definition should be broadly construed in so far as the materials are used by the teacher for instructional purposes in classrooms, lab settings, or in conjunction with field trips.

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

R277-459-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which gives general control and supervision of the public school system to the Board, by Section 53A-1-402(1)(b) which directs the Board to establish rules and minimum standards for school programs, and by state legislation which provides a designated appropriation for teacher classroom supplies and materials.

B. The purpose of this rule is to distribute money through school districts, the Utah Schools for the Deaf and the Blind, or charter schools to classroom teachers for school materials and supplies and field trips.

R277-459-3. Distribution of Funds.

A. The USOE shall generate from the CACTUS database a teacher count of the full-time classroom teachers [~~and intern teachers as defined in this rule~~]consistent with S.B. 2, Section 30, 2008 Legislative Session, for each school district, the Utah Schools for the Deaf and the Blind, or charter schools as of November 15 of each year.

[~~B. The USOE shall distribute a base allocation through each school district, the Utah Schools for the Deaf and the Blind, and to charter schools proportionally per eligible position to the extent of the appropriation.~~

~~(1) In addition to the total base allocation to all teachers as directed in H.B. 160, 2007 Legislative Session, an additional amount shall be distributed to teachers in any grade in the first year of teaching, or as an intern, in each school district, the Utah Schools for the Deaf and the Blind, or charter schools proportionally per eligible position, to the extent of the appropriation.~~

~~(2) If the teacher allocation in R277-459-3B(1) exceeds $500 per first year classroom teacher/intern as defined under R277-459-1E, the rest of the funding shall be distributed to teachers in any grade in the second through the fifth year of teaching using the following schedule:~~

~~(a) second year teacher shall receive 80 percent of first year teacher amount;~~

~~(b) third year teacher shall receive 60 percent of first year teacher amount;~~

~~(c) fourth year teacher shall receive 40 percent of first year teacher amount;~~

~~(d) fifth year teacher shall receive 20 percent of first year teacher amount.~~]B. For the $7,500,000 portion of the classroom supplies appropriation for 2008, the Board shall distribute funds to school districts, charter schools and the Utah Schools for the Deaf and the Blind based on data submitted to the CACTUS database consistent with S.B. 2, Section 30, 2008 Legislative Session.

C. School districts, charter schools and the Utah Schools for the Deaf and the Blind shall distribute funds for classroom supplies consistent with the amounts for salary schedule steps and teaching assignments designated in S.B. 2, Section 30, 2008 Legislative Session.

D. Following the distribution of the $7,500,000 portion of the classroom supplies appropriation, the Board shall distribute the $2,500,000 portion of the classroom supplies appropriation for 2008, consistent with the following:

(1) First year teachers shall receive a $500 classroom stipend.

(2) The remaining funds shall be distributed only to teachers in their second through fifth years of teaching consistent with the following:

(a) Second year teacher shall receive up to 80 percent of the first year teacher amount.

(b) third year teacher shall receive up to 60 percent of the first year teacher amount.

(c) fourth year teacher shall receive up to 40 percent of the first year teacher amount.

(d) fifth year teacher shall receive up to 20 percent of the first year teacher amount.

[~~C~~]E. Individual teachers shall designate the uses for their allocations consistent with the criteria of this rule. School districts/charter schools and other eligible schools shall develop procedures and timelines to facilitate the intent of the appropriation.

[~~D~~]F. Each school district/charter school shall ensure that each eligible individual has the opportunity to receive the proportionate share of the appropriation.

[~~E~~]G. If a teacher has not spent or committed to spend the individual allocation by April 1, the school or district may make the excess funds available to other teachers or may reserve the money for use by eligible teachers the following year[~~s~~].

[~~F~~]H. These funds shall supplement, not supplant, existing funds for identified purposes.

[~~G~~]I. These funds shall be accounted for by the school district/charter school or eligible school using state and school district procurement and accounting policies.

[~~H~~]J. The funds and supplies purchased with the funds are the property of the school district, the Utah Schools for the Deaf and the Blind, or charter schools. Employees do not personally own materials purchased with designated public funds.

KEY: teachers, supplies
Date of Enactment or Last Substantive Amendment: [~~August 7, 2007~~]2008
Notice of Continuation: July 6, 2005
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b)

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Education, Administration
R277-491
School Community Councils

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 31954
FILED: 09/15/2008, 21:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to provide direction to school districts and schools in establishing and maintaining school community councils.

SUMMARY OF THE RULE OR CHANGE: The new rule provides for school community council school/school administrator responsibilities; provisions for school community council member elections; and parent rights and responsibilities.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The new rule merely provides direction and guidance to school districts/schools in establishing and maintaining school community councils consistent with state law.

❖ LOCAL GOVERNMENTS: There may be costs to local government (school districts/schools). The new rule provides direction and guidance to school districts/schools in establishing and maintaining school community councils consistent with state law. Some school districts/schools may need to purchase tape recorders and/or take responsibility for minimal increased costs to post information on school websites and arrange for secure voting procedures. These costs would be minimal, but may vary among schools.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small business AND persons other than businesses. The new rule merely provides direction and guidance to school districts/schools to establish and maintain school community councils consistent with state law. The rule applies to public school districts/schools only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The rule merely provides direction and guidance to school districts and

schools in establishing and maintaining school community councils.

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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

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

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R277. Education, Administration.
R277-491. School Community Councils.
R277-491-1. Definitions.

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

B. "Candidate" means a parent or school employee who has filed for election to the school community council.

C. "Contested race" means the election of members to a school community council when there are more candidates than open positions.

D. "Days" means calendar days unless otherwise specifically designated.

E. "Develop school improvement plan and school trust program and other programs" means to participate actively in the creation of plans, including analysis of school assessment data, development of budgets, review of expenditures; this may include establishing subcommittees where needed or assigning work to individuals.

F. "Most critical academic needs" for purposes of this rule means a school's weakness(es) in the areas of reading, writing, mathematics, science, social studies, technology, fine arts, foreign language, and career education in high schools.

G. "Parent" means the parent or legal guardian of a student attending the non-charter public school or of a student who will be enrolled at the school in the next school year.

H. "Parent member" means a parent or guardian of a student who is attending the school or of a student who will be enrolled at the school in the next school year if the election is held in the spring. A parent member of a school community council may not include a person who meets the definition of a school employee member unless the person's employment at the school does not exceed an average of six hours per week, consistent with Section 53A-1a-108(1)(a)(ii).

I. "School administrator" means a school principal, school assistant principal or designee as specifically assigned by the school administrator.

J. "School community" means the geographic area designated by the school district as the attendance area with reasonable inclusion of the parents or legal guardians of additional students who are attending the school.

K. "School employee member" means a person employed at the school for more than an average of six hours per week by the school or school district; the principal is one school employee member.

L. "Secure ballot box" means a closed container prepared by the school for the deposit of secret ballots for the school community council elections.

M. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report.

N. "Students attending the school" for purposes of this rule means students currently attending the school and those officially enrolled to attend the school in the next school year.

O. "USDB" means the Utah Schools for the Deaf and the Blind.

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

R277-491-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to:

(1) provide procedures and clarifying information to school community councils to assist them in fulfilling school community council responsibilities consistent with Section 53A-1a-108(3);

(2) provide direction to school districts and schools in establishing and maintaining school community councils whose primary focus is improving educational excellence through team decision making by the principal and elected representatives of parents and staff;

(3) provide a framework and support for improved academic achievement of students that is locally driven from within individual schools, through critical review of testing results and other indicators of student success, by establishing meaningful, measurable goals and implementing research-based programs and processes to reach the goals;

(4) encourage increased participation of the parents, school employees and others that support the purposes of the school community councils; and

(5) encourage compliance with the law in the election of school community councils, in meeting reporting requirements, in complying with open and public meetings requirements.

R277-491-3. School Community Council Member Election Provisions.

A. Parents may stand for election as parent members of a school community council at a school if their child(ren) are attending the school or will be enrolled at the school in the next school year if the community council election is held in the spring.

B. Parents may vote for the school community council parent members if their child(ren) are enrolled or will be attending the school in the next school year, consistent with the intent to encourage the greatest participation possible of all available parents.

C. School community councils may establish procedures that allow for ballots to be clearly marked and mailed to the school in the case of geography or school distances that would otherwise discourage parent participation. Hand-delivered or mailed ballots shall meet the same timelines for voters voting in person.

D. Entire school districts or schools may allow parents to vote by electronic ballot. If school districts/schools allow voting by electronic means, the opportunity shall be clearly explained on the school district/school website including:

(1) directions for electronic voting;

(2) security provisions for electronic voting;

(3) statement to parents and community members that violations of a school district's/school's voting procedures may disqualify a parent's vote or invalidate a specific school election, or both.

E. Ballots and voting are required only in the event of a school community council contested race.

F. School community councils are encouraged to establish clear and written:

(1) procedures that are consistent with state law, Board rules, and local board policies;

(2) procedures for the selection of school community council chairs and vice chairs;

(3) timelines and procedures for school community council elections that may include receiving information from applicants in a timely manner; and

(4) additional clarification and procedures to assist in the efficient operation of school community councils consistent with the law.

R277-491-4. School Community Council School/School Administrator Responsibilities.

A. A school administrator or designee shall assist a school community council chair with providing the following information to the school community:

(1) Notice of dates and times of school community council elections at least 14 days before the elections are held;

(2) Timely notice of school community council positions that are up for election;

(3) Instructions for applying to become a school community council member together with timelines for submitting information and applications;

(4) Notice of the school community council meeting schedule, provided in the first 14 days of the school year;

(5) A summary of the school community council's actions and activities for the first half of the school year, provided mid-way through the school year;

(6) A summary of the annual report on how the school's School LAND Trust Program funds were used consistent with approved uses of the funds, provided to the school community in the fall of the school year following the school year that the school plan was implemented; and

(7) Posting the school community council meeting information (time, place and date of meeting; meeting agenda and previous meeting minutes) on the school's website at least one week prior to each meeting.

B. A school administrator shall assist a school community council to provide information on the school website and in at least one other direct delivery method ensuring that all parents are notified as provided in Section 53A- 1a-108(7)(a).

C. A school administrator shall assist a school community council to act in compliance with the Utah Open and Public Meetings Act, Section 52-4-101 et seq. including providing timely written minutes of the meeting, recording the meeting, and other required or appropriate activities. School community council responsibilities do not allow for closed meetings, consistent with the purposes of Section 52-4-205.

D. School community councils shall become familiar with and consider the following:

(1) Satisfying the meeting recording process with sensitivity for parents and community members whose primary language is not English; and

(2) The limitations of open and public meetings in secure or locked school settings and facilities.

R277-491-5. Parent Rights and Responsibilities.

A. Parents of students attending a school and to the extent possible, parents whose children will attend the school in the next school year (for spring community council elections) shall receive notice of open school community council positions and of elections consistent with Section 53A-1a-108.

B. Parents of students attending a school shall have access to schedules, agendas, minutes and decisions consistent with Sections 53A-1a-108(7) and (8).

C. School community council parent members shall participate fully in the development of various school plans described in Section 53A-1a-108(3).

D. Parents shall receive timely notice of school community council timelines and procedures that affect parent member elections, school community council meeting information and other parent rights or opportunities, consistent with state law, Board rules, and local board policy.

R277-491-6. Additional School Community Council Information and Provisions.

A. School community councils shall set the beginning terms for school community council members consistent with Section 53A-1a-108(5)(g).

B. School community councils shall report on projects and programs to local boards of education and cooperate with the USOE, training, legislative and USOE monitoring, and audits.

C. School community councils may establish procedures and requirements for parent notification and election timelines that are not inconsistent with Sections 53A-1a-108, 53A-16-101.5, 52-4-101 et. seq., this rule, or local board policy.

D. Public schools that are secure facilities, juvenile detention facilities, hospital program schools, and other small special programs may receive all funds available to schools with school community councils if the schools demonstrate and document a good faith effort to recruit members, have meetings and publicize results.

E. School community councils may designate districts, areas or grade levels in order to recruit school community council members from all areas of the school community. If parents from designated areas do not apply for the school community council positions, positions shall be filled with interested parents who do apply.

F. Local school boards may ask school community councils to address local issues at the school community council level for discussion before bringing the issues to local school boards. School community councils may be asked for information to inform local board decisions.

G. Local boards of education have final and absolute authority in many school governance issues including school district employment, curriculum, calendaring and planning decisions. School community councils are encouraged to discuss these and similar issues in order to advise and inform local elected board members; local board members make final decision in governing school districts.

KEY: school community councils
Date of Enactment or Last Substantive Amendment: 2008
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)

♦ ♦

Education, Administration
R277-502-4
License Levels, Procedures, and Periods of Validity

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31955
FILED: 09/15/2008, 21:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R277-502-4 is amended to make a Speech-Language Pathologist (SLP) holding a Certificate of Clinical Competence eligible for a Level 3 Utah educator license upon completion of all other Level 3 licensing requirements. This modification will help public schools recruit and retain qualified SLPs within the public school system.

SUMMARY OF THE RULE OR CHANGE: The amended section adds language to make a Speech-Language Pathologist holding a Certificate of Clinical Competence from the American Speech-Language-Hearing Association as being eligible to be issued a Level 3 license.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-6-104 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The modification is intended to help public schools recruit and retain qualified SLPs within the public school system.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to the local government. The modification is intended to help public schools recruit and retain qualified SLPs within the public school system.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. The modification is intended to help public schools recruit and retain qualified SLPs within the public school system. It is speculative but possible that this amendment will save SLPs who desire to work in public education the expenses of earning teaching degrees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. There are no anticipated costs or savings to the state budget. The modification is intended to help public schools recruit and retain qualified SLPs within the public school system.

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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

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

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R277. Education, Administration.
R277-502. Educator Licensing and Data Retention.
R277-502-4. License Levels, Procedures, and Periods of Validity.

A. An initial license, the Level 1 license, is issued to an individual who is recommended by a Board-approved educator preparation program or approved alternative preparation program, or an educator with a professional educator license from another state.

(1) LEAs and educator preparation institutions shall cooperate in preparing candidates for the educator Level 1 license. The resources of both may be used to assist candidates in preparation for licensing.

(2) The recommendation indicates that the individual has satisfactorily completed the programs of study required for the preparation of educators and has met licensing standards in the license areas of concentration for which the individual is recommended.

(3) The Level 1 license is issued for three years.

(4) An educator shall satisfy all requirements of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.

(5) An educator shall satisfy all federal requirements for an educator license prior to moving from Level 1 to Level 2.

(6) A license applicant who has received or completed license preparation activities or coursework inconsistent with this rule may present compelling information and documentation for review and approval by the USOE to satisfy the licensing requirements.

B. A Level 2 license may be issued by the Board to a Level 1 license holder upon satisfaction of all USOE requirements for the Level 2 license and upon the recommendation of the employing LEA.

(1) The recommendation shall be made following the completion of three years of successful, professional growth and educator experience, satisfaction of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers, any additional requirements imposed by the employing LEA, and before the Level 1 license expires.

(2) A Level 2 license shall be issued for five years and shall be valid unless suspended or revoked for cause by the Board.

(3) The Level 2 license may be renewed for successive five year periods consistent with R277-501, Educator Licensing Renewal.

(4) A Level 2 license holder shall satisfy all federal requirements for an educator license holder prior to renewal after June 30, 2006 to remain highly qualified.

C. A Level 3 license may be issued by the Board to a Level 2 license holder who has achieved National Board Professional Teaching Standards Certification, who holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association (ASHA), or who holds a doctorate in the educator's field of practice.

(1) A Level 3 license is valid for seven years unless suspended or revoked for cause by the Board.

(2) The Level 3 license may be renewed for successive seven year periods consistent with R277-501.

D. Licenses expire on June 30 of the year of expiration recorded on CACTUS and may be renewed any time after January of that year. Responsibility for securing renewal of the license rests solely with the holder.

KEY: professional competency, educator licensing
Date of Enactment or Last Substantive Amendment: [~~March 24,~~]2008
Notice of Continuation: September 6, 2007
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104; 53A-1-401(3)

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Education, Administration

R277-609

Standards for School District, School and Charter School Discipline Plans

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31956
FILED: 09/15/2008, 21:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for changes in H.B. 325, 2008 Legislative Session, which directs that local school boards and local charter boards adopt policies for reporting and responding to bullying, hazing and/or retaliation. (DAR NOTE: H.B. 325 (2008) is found at Chapter 197, Laws of Utah 2008, and was effective 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: The amendments provide additional language to the "Bullying" definition; and direct school districts, schools and charter schools to provide training and education for employees specific to bullying.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-401(3) and 53A-1-402(1)(b) and Section 53A-11-901

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. School districts and charter schools are responsible for providing training and education required.

❖ LOCAL GOVERNMENTS: There may be some costs to school districts and charter schools to provide required training. Costs are speculative and should be minimal.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. School districts and charter schools are responsible for providing required training and education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be minimal compliance costs for school districts and charter schools for required training and education. Costs are speculative but should be minimal.

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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

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

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R277. Education, Administration.
R277-609. Standards for School District, School and Charter School Discipline Plans.
R277-609-1. Definitions.

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

B. "Bullying" means behavior that:

(1) is intended to cause harm or distress;

(2) exists in a relationship in which there is an imbalance of power;[~~and~~]

(3) may be repeated over time[~~,~~], and

(4) may also include definitions provided in Section 53A-11a-101.

C. "Discipline" means:

(1) Imposed discipline: Code of conduct prescribed for the highest welfare of the individual and of the society in which the individual lives; and

(2) Self-Discipline: A personal system of organized behavior designed to promote self-interest while contributing to the welfare of others.

D. "Disruptive student behavior" includes:

(1) the grounds for suspension or expulsion described in Section 53A-11-904; and

(2) the conduct described in Section 53A-11-908(2)(b).

E. "Plan" means a school district-wide and school-wide written model for prevention and intervention for student behavior management and discipline procedures for students who habitually disrupt school environments and processes.

F. "Qualifying minor" means a school-age minor who:

(1) is at least nine years old; or

(2) turns nine years old at any time during the school year.

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

R277-609-3. School District, School and Charter School Responsibility to Develop Plans.

A. Each school district, or school and each charter school shall develop and implement a board approved comprehensive school district, school or charter school plan or policy for student and classroom management, and school discipline. The plan shall include:

(1) the definitions of Section 53A-11-910;

(2) written standards for student behavior expectations, including school and classroom management;

(3) effective instructional practices for teaching student expectations, including self-discipline, citizenship, civic skills, and social skills;

(4) systematic methods for reinforcement of expected behaviors and uniform methods for correction of student behavior;

(5) uniform methods for at least annual school level data-based evaluations of efficiency and effectiveness;

(6) an ongoing staff development program related to development of student behavior expectations, effective instructional practices for teaching and reinforcing behavior expectations, effective intervention strategies, and effective strategies for evaluation of the efficiency and effectiveness of interventions;

(7) policies and procedures relating to the use and abuse of alcohol and controlled substances by students;

(8) policies to define, prohibit, and intervene in bullying, including the requirement of awareness and intervention strategies, including training for social skills, for students, parents, and school staff. The policies shall:

(a) provide for training specific to overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;

(b) provide for training specific to relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

(c) provide training and education specific to bullying based upon students':

(i) actual or perceived identities;

(ii) conformance or failure to conform with stereotypes.

([~~c~~]d) provide for training specific to cyber bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;

([~~d~~]e) provide for student assessment of the prevalence of bullying in school districts, schools and charter schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas;

([~~e~~]f) complement existing safe and drug free school policies and school harassment and hazing policies; and

([~~f~~]g) include strategies for providing students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches, with awareness and intervention skills such as social skills training.

B. The plan shall also provide direction to school districts for dealing with disruptive students. This part of the plan shall:

(1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

(2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student behavior; and

(3) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court.

C. School district or school plans or sections of plans, including directives about bullying and disruptive students, shall also:

(1) include strategies to provide for necessary adult supervision;

(2) be clearly written and consistently enforced; and

(3) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility.

KEY: disciplinary actions, disruptive students
Date of Enactment or Last Substantive Amendment: [~~February 7,~~]2008
Notice of Continuation: August 10, 2004
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-402(1); 53A-11-901

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Education, Administration
R277-704
Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 31957
FILED: 09/15/2008, 21:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 2, 2008 Legislative Session, directs the State Board of Education to make rules to provide funds to develop and integrate financial and economic literacy concepts effectively into the Core Curriculum in various programs and at various grade levels. (DAR NOTE: S.B. 2 (2008) is found at Chapter 397, Laws of Utah 2008, and was effective 03/20/2008.)

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions; provides for a financial and economic literacy student passport; and provides for financial and economic literacy professional development opportunities.

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 saving to the state budget. The 2008 Legislature appropriated funds for this program.
❖ LOCAL GOVERNMENTS: There are no anticipated costs or saving to local government. The 2008 Legislature appropriated funds for this program.
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or saving to small businesses AND persons other than businesses. The 2008 Legislature appropriated funds for this program which is specific to public education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The 2008 Legislature appropriated funds for this program.

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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

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

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R277. Education, Administration.
R277-704. Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports.
R277-704-1. Definitions.

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

B. "Financial and economic literacy project" means a program or series of activities developed locally to encourage the understanding of financial and economic literacy among students and their families and to assist public school educators in making financial and economic literacy an integrated and permanent part of the public school curriculum.

C. "Financial and economic literacy student passport" means a collection of approved activities, assessments, or achievements completed during a given time period which indicate advancement in financial and economic understanding.

D. "Professional development" for public school educators means the act of engaging in professional learning in order to improve student learning.

E. "SEOP" means student education occupation plan. An SEOP shall include:

(1) a student's education occupation plans (grades 7-12) including job placement when appropriate;

(2) all Board and local board graduation requirements;

(3) evidence of parent, student, and school representative involvement annually;

(4) attainment of approved workplace skill competencies; and

(5) identification of post secondary goals and approved sequence of courses.

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

R277-704-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which gives general control and supervision of the public school system to the Board, by Section 53A-13-110 which directs the Board to work with financial and economic experts and private and non-profit entities to develop and integrate financial and economic literacy and skills into the public school curriculum at all appropriate levels and to develop a financial and economic literacy student passport which is optional for students and tracks student mastery of financial and economic literacy concepts, and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is:

(1) to provide funds appropriated by the Legislature to develop and integrate financial and economic literacy concepts effectively into the core curriculum in various programs and at various grade levels;

(2) to begin the development of a financial and economic literacy student passport;

(3) to provide for educator professional development using business and community expertise, allowing for maximum creativity and flexibility;

(4) to provide curriculum resources and assessments for financial and economic literacy;

(5) to provide passport criteria and tracking capabilities for the financial and economic literacy passport for students grades K-12; and

(6) to provide simple and consistent messaging to students that becomes part of the core curriculum that reinforces the importance of financial and economic literacy and helps students and their parents to locate and use school and community resources to improve financial and economic literacy among students and families.

R277-704-3. Financial and Economic Literacy Student Passport.

A. The Board and the USOE shall develop and promote a financial and economic literacy student passport model, which would include tracking of student progress toward a passport.

B. Early efforts will focus on students in grades nine through 12.

C. Development efforts will include parent and community participation.

D. A major goal of the development and promotion of a financial and economic literacy student passport will be to inform and educate students and their parents throughout the public school experience of the importance of financial and economic literacy and its applicability to all areas of the public school curriculum.

E. Students and parents shall receive information and encouragement toward the financial and economic literacy student passport opportunity upon development as part of the SEOP process.

R277-704-4. Financial and Economic Literacy Professional Development Opportunities.

A. The USOE shall provide professional development on all areas of financial and economic literacy utilizing the expertise of community and business groups.

B. Professional development activities shall inform public school educators about financial and economic literacy, encourage greater understanding of personal financial and economic responsibility, provide information and resources for teaching about financial and economic literacy without promoting specific products or businesses, and work with the USOE to develop messaging or advertising to promote financial and economic literacy.

KEY: financial, economic, literacy
Date of Enactment or Last Substantive Amendment: 2008
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-13-110; 53A-1-401(3)

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Environmental Quality, Air Quality
R307-121
General Requirements: Clean Fuel Vehicle Tax Credits

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31928
FILED: 09/04/2008, 09:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Legislature revised the State's Clean Fuel tax credit during the 2008 legislative session (H.B. 106). (DAR NOTE: H.B. 106 (2008) is found at Chapter 153, Laws of Utah 2008, and will be effective 01/01/2009.)

SUMMARY OF THE RULE OR CHANGE: The Division of Air Quality (DAQ) staff have reviewed Rule R307-121 and determined that a few modifications are necessary to make it consistent with the new legislation. DAQ is proposing the following amendment to Rule R307-121: add additional language requiring the purchase date and price of the vehicle for Compressed Natural Gas (CNG) vehicles; add a new subsection that addresses the eligibility requirements for vehicles that meet air quality and fuel economy standards; add a new subsection that addresses the eligibility requirements for vehicles converted to electricity; add definitions for "air quality standards", "fuel economy standards", "motor vehicle", and "original purchase" to the rule; and change the titles of Rule R307-121 and Section R307-121-3.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-104, 19-1-402, 59-7-605, and 59-10-1009

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No cost or savings are anticipated with this rule change. This rule is implementing statutory change during the 2008 legislative session, H.B. 106.

❖ LOCAL GOVERNMENTS: No cost or savings are anticipated with this rule change. This rule is implementing statuary change during the 2008 legislative session, H.B. 106.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Business: No cost or savings are anticipated with this rule change. This rule is implementing statuary change during the 2008 legislative session, HB106S1. Other Persons: No cost or savings are anticipated with this rule change. This rule

is implementing statuary change during the 2008 legislative session, H.B. 106.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are anticipated with this rule change. No new regulatory requirements where created with this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No cost or savings are anticipated with this rule change. This rule is implementing statutory change during the 2008 legislative session, H.B. 106. Rick 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:
Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2009

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-121. General Requirements: [~~Clean Fuel Vehicle Tax Credits~~]Clean Air and Efficient Vehicle Tax Credit.
R307-121-1. Authorization and Purpose.

This rule is authorized by Sections 59-7-605 and 59-10-1009. These statutes establish criteria and definitions used to determine eligibility for an income tax credit. R307-121 establishes procedures to provide proof of purchase to the Board for an OEM vehicle or the conversion of a motor vehicle for which an income tax credit is allowed under Sections 59-7-605 and 59-10-1009.

R307-121-2. Definitions.

Definitions. The following additional definitions apply to R307-121.

"Air quality standards" means air quality standards as defined in Subsection 59-7-605(1)(a) and 59-10-1009(1)(a).

"Clean fuel" means clean fuel as defined in Subsection 19-1-402(1).

"Clean fuel vehicle" means clean fuel vehicle as defined in Subsection 19-1-402(2).

"Conversion [~~E~~]equipment" means a package which may include fuel, ignition, emissions control, and engine components that are modified, removed, or added to a motor vehicle or special mobile equipment to make that motor vehicle or equipment eligible.

"Fuel economy standards" means fuel economy standards as defined in Subsection 59-7-605(1)(f) and 59-10-1009(1)(f).

"Manufacturer's Statement of Origin" means a certificate showing the original transfer of a new motor vehicle from the manufacturer to the original purchaser.

"Motor Vehicle" means a motor vehicle as defined in 41-1a-102.

"Original equipment manufacturer(OEM) vehicle" [~~is~~]means original equipment manufacturer(OEM) as defined in Subsection 19-1-402(8).

"Original purchase" means original purchase as defined in Subsection 59-7-605(1)(i) and 59-10-1009(1)(i).

R307-121-3. Demonstration of Eligibility for OEM Compressed Natural Gas Vehicles.

To demonstrate that an OEM Compressed Natural Gas vehicle is eligible, proof of purchase shall be made by submitting the following documents to the executive secretary:

(1)(a) a copy of the Manufacturer's Statement of Origin or equivalent manufacturer's documentation showing that the motor vehicle is an OEM Compressed Natural Gas vehicle, or

(b) a signed statement by an Automotive Service Excellence (ASE)[~~-~~]-certified technician that includes the vehicle identification number (VIN) and states that the motor vehicle is an eligible OEM vehicle;[~~ and~~]

(2) an original or copy of the purchase order, customer invoice, or receipt including the VIN, purchase date, and price of the motor vehicle; and

(3) a copy of the current Utah vehicle registration.

R307-121-4. Demonstration of Eligibility for Motor Vehicles that meet Air Quality and Fuel Economy Standards.

To demonstrate that a motor vehicle is eligible for the tax credit based on air quality and fuel economy standards, proof of purchase shall be made by submitting the following documents to the executive secretary:

(1) a copy of the Manufacturer's Statement of Origin or equivalent manufacturer's documentation;

(2) a signed statement from the taxpayer claiming the tax credit, stating that the motor vehicle was acquired as the original purchase;

(3) an original or copy of the purchase order, customer invoice, or receipt including the VIN, purchase date, and price of the motor vehicle;

(4) the underhood identification number or engine group of the motor vehicle; and

(5) a copy of the current Utah vehicle registration.

R307-121-[4]5. Demonstration of Eligibility for Motor Vehicles Converted to [~~Clean Fuels~~]Natural Gas or Propane.

To demonstrate that a conversion of a motor vehicle to be fueled by [~~clean fuel~~]natural gas or propane is eligible for the tax credit, proof of purchase shall be made by submitting the following documentation to the executive secretary:

(1) the VIN;

(2) the fuel type before conversion;

(3) the fuel type after conversion;

(4)(a) [~~if the vehicle is registered within a county with an inspection and maintenance (I/M) program, ~~]a copy of the motor vehicle inspection report from an approved station showing that the converted [~~clean fuel~~]motor vehicle meets all county emissions requirements for all installed fuel systems if the motor vehicle is

registered within a county with an inspection and maintenance (I/M) program, or

(b) in all other areas of the State, a signed statement by an ASE[ ]-certified technician that includes the VIN and states that the conversion is functional;

(5) each of the following:

(a) the conversion equipment manufacturer,

(b) the conversion equipment model number,

(c) the date of the conversion, and

(d) the name, address, and phone number of the person that converted the motor vehicle;

(6) proof of certification required in 59-10-1009(1)(b) or 59-7-605(1)(b);

(7) an original or copy of the purchase order, customer invoice, or receipt; and

(8) a copy of the current Utah vehicle registration.

R307-121-6. Demonstration of Eligibility for Motor Vehicles Converted to Electricity.

(1) To demonstrate that a conversion of a motor vehicle to be powered by electricity is eligible for the tax credit, proof of purchase shall be made by submitting the following documentation to the executive secretary:

(a) the VIN;

(b) the fuel type before conversion;

(c) the fuel type after conversion;

(d) each of the following:

(i) the conversion equipment manufacturer,

(ii) the conversion equipment model number,

(iii) the date of the conversion, and

(iv) the name, address, and phone number of the person that converted the motor vehicle;

(e) an original or copy of the purchase order, customer invoice, or receipt; and

(f) a copy of the current Utah vehicle registration.

(2) If the converted motor vehicle does not have any auxiliary sources of combustion emissions, then the applicant shall submit a signed statement by an ASE-certified technician that includes the VIN and states that the conversion is functional, and that the converted motor vehicle does not have any auxiliary source of combustion emissions.

(3) If the converted motor vehicle has an auxiliary source of combustion emissions, then the applicant shall submit:

(a) a copy of the vehicle inspection report from an approved station showing that the converted motor vehicle meets all county emissions requirements for all installed fuel systems if the motor vehicle is registered within a county with an I/M program, or

(b) in all other areas of the State, a signed statement by an ASE-certified technician that includes the VIN and states that the conversion is functional, and

(c) proof of certification required in 59-10-1009(1)(b) or 59-7-605(1)(b).

R307-121-[5]7. Demonstration of Eligibility for Special Mobile Equipment Converted to Clean Fuels.

To demonstrate that a conversion of special mobile equipment to be fueled by clean fuel is eligible for the tax credit, proof of purchase shall be made by submitting the following documentation to the executive secretary:

(1) a description, including serial number, of the special mobile equipment for which credit is to be claimed;

(2) the fuel type before conversion;

(3) the fuel type after conversion;

(4) the conversion equipment manufacturer and model number;

(5) the date of the conversion;

(6) the name, address and phone number of the person that converted the special mobile equipment; and

(7) an original or copy of the purchase order, customer invoice, or receipt; and

(8) proof of certification required in 59-10-1009(1)(b) or 59-7-605(1)(b).

KEY: air pollution, alternative fuels, tax credits, motor vehicles
Date of Enactment or Last Substantive Amendment: 2008
Notice of Continuation: July 13, 2007
Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-1-402; 59-7-605; 59-10-1009

♦ ♦

Human Services, Juvenile Justice Services
R547-3
Juvenile Jail Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31935
FILED: 09/09/2008, 14:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add an Authority Statement to the rule; and in response to H.B. 78 from the 2008 General Session, the agency is required to change the code citations to match the recodification of Title 78. (DAR NOTE: H.B. 78 (2008) is found at Chapter 3, Laws of Utah 2008, and was effective 02/07/2008.)

SUMMARY OF THE RULE OR CHANGE: The Authority Statement has been added. The appropriate citations have been updated. Additionally, since history has proven that juveniles are not held for more than two hours, sections outlining details for longer holds were deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-7-201

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: None--The changes are for clarification.
- LOCAL GOVERNMENTS: None--The changes are for clarification.
- SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The changes are for clarification.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The changes are for clarification.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The changes are for clarification. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
JUVENILE JUSTICE SERVICES
Room 419
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at judyhammer@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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Dan Maldonado, Director

R547. Human Services, Juvenile Justice Services.
R547-3. Juvenile Jail Standards.
R547-3-1. Authority.

Section 62A-1-111 authorizes the Department of Human Services to adopt administrative rules.

R547-3-2. Definitions and References.

(1) Definitions.

(a) "Low density population" means ten or less people per square mile.

(b) "Nonoffenders" means abused, neglected, or dependent youth.

(c) "Sight and sound separation" means that juvenile detainees must be located or arranged as to be completely separated from incarcerated adults by sight and sound barriers such that the adult inmates cannot see juvenile detainees and vice versa. Also, conversation is not possible between juvenile detainees and adult inmates.

(d) "Status offense" means a violation of the law that would not be a violation but for the age of the offender.

(2) References.

(a) Standards from the Manual of Standards for Juvenile Detention Facilities and Services, also referred to as American Correctional Association (ACA) Standards, revision date of February 1979, were researched as background for the rules.[~~This manual can be located at the Division of Juvenile Justice Services Administrative Office.~~]

R547-3-[2]3. Standards for Six Hour Juvenile Detention in Jail.

(1) Juveniles under the age of 18 shall not be confined in a county operated jail used for accused or convicted adult offenders except:

(a) [~~when the juvenile is 14 years of age or older and, in a hearing before a magistrate, has been certified an adult, Section 78-3a-603 and Subsection 78-3a-502(3);~~]when the juvenile is 16 years of age or older and district court has exclusive original jurisdiction, Section 78A-6-701;

(b) [~~when the juvenile is being held on a traffic offense, Subsection 78-3a-104(2), and the facility has been certified by the Division of Juvenile Justice Services to detain juveniles beyond six hours;~~]when the juvenile is 16 years of age or older and has been bound over to district court for criminal proceedings, in accordance with serious youth offender procedures, Subsection 78A-6-702(3);

(c) [~~when the juvenile is 16 years of age or older and is being held under a valid Juvenile Court order, Subsection 78-3a-114(8)(b), and the facility has been certified by the Division of Juvenile Justice Services to detain juveniles beyond six hours;~~]when the juvenile is 14 years of age or older and has been certified to be held for criminal proceedings in district court, Section 78A-6-703 and Subsection 78A-6-602(3);

(d) in areas characterized by low density population. The state Juvenile Justice Services agency may promulgate regulations providing for specific approved juvenile holding accommodations within adult facilities which have acceptable sight and sound separation to be utilized for short-term holding purposes with a maximum confinement of six hours to allow adequate time for identification or interrogation and to evaluate needs and circumstances regarding transportation, detention, or release of the juvenile in custody, Section 62A-7-201.

(2) The Division of Juvenile Justice Services may certify a jail to hold juveniles who are alleged to have committed a non-status offense or are accused of juvenile handgun possession for up to six hours if the following criteria are met:

(a) in areas characterized by low density population;

(b) no existing acceptable alternative placement exists which will protect the juvenile and the community;

(c) the county is not served by a local [~~or regional certified~~]juvenile detention facility;

(d) no juvenile under ten years of age will be held by holding authorities, as set forth in the following standards, for any length of time.

(3) Any jail or adult holding facility intended for use for juveniles must be certified by the State Division of Juvenile Justice Services.

(4) There shall be acceptable sight and sound separation from adult inmates. Written policy and procedure shall exist to assure supervision is maintained so that both visual contact and verbal communication between juvenile detainees and adult inmates is prohibited.

(5) The jail's juvenile detention room(s) shall conform to all applicable zoning laws.

(6) The jail's juvenile detention room(s) shall conform to all applicable local and state safety, fire, and building codes.

(7) The jail's juvenile detention room(s) shall conform to all applicable local and state health codes.

(8) The juvenile population shall not exceed the jail's certified capacity for juveniles.

(9) All juvenile housing and activity areas provide for, at a minimum:

(a) toilet and wash basin accessibility;

(b) hot and cold running water in wash basin and drinking water;

(c) adequate shelter, heat, light, and ventilation that does not compromise security or enable escape;

[~~(d) seventy square feet of floor space per resident and in multiple bed room construction, a minimum of 40 square feet of floor space per resident;~~

~~(e) eight feet of clear floor to ceiling height for occupants;~~

~~(f) a bed at least two feet three inches wide and six feet four inches long in each room if the jail was designed after 1979. If there is~~

~~more than one bed per room, there must be a minimum of 18 inches vertical clearance from all overhead obstructions.~~]

(10) Whenever juveniles are detained, there shall be at a minimum:

(a) Removal of all property from the juvenile that could compromise the juvenile's safety, such as belts, shoelaces and suspenders, prior to placing a juvenile in a holding room;

(b) constant on-site supervision through visual or TV monitoring and audio two way communication;

(c) frequent personal checks to maintain communication with the juvenile and prevent panic and feelings of isolation;

(d) a written record of significant incidents and activities of the juvenile.

(11) The written policies and procedures providing for specific rules governing the supervision of inmates by jail staff of the opposite sex shall specifically provide for the following when the inmates are juveniles:

(a) An adult staff member of the same sex as the juvenile shall be present when a juvenile is securely held.

(b) Except in an emergency the staff member entering a juvenile's sleeping room shall be of the same sex. If there are two staff members entering the sleeping room, there may be one male and one female. When an emergency prevents the same sex staff member from entering the juvenile's room, then at least two opposite sex staff members must be present and a written report must be completed and kept on file justifying the necessity for the deviation from same sex supervision.

(c) When procedures require physical contact or examination, such as strip searches, these shall be done by a staff member of the same sex in private without TV monitoring. Procedures for body cavity searches shall conform to jail standards.

(d) A staff member of the same sex shall supervise the personal hygiene activities and care such as showers, toilet, and related activities.

(e) The use of restraints or physical force are restricted to instances of justifiable self-defense, protection of juveniles and others, protection of property and prevention of escapes, and only when it is necessary to control juveniles and in accordance with the principle of least restrictive action. In no event is physical force justifiable as punishment. A written report is prepared following all uses of force and is submitted to the facility administrator.

(12) Male and female residents shall not occupy the same sleeping room at the same time.

(13) There shall be no viewing devices, such as peep holes, mirrors, of which the juvenile is not aware.

(14) No inmate, juvenile or adult, shall be allowed to have authority or disciplinary control over, be permitted to supervise, or provide direct services of any nature to other detained juveniles.

(15) The juvenile's health and safety while jailed shall be safeguarded. The jail administration shall:

(a) have services available to provide 24 hours a day emergency medical care;

(b) provide for immediate examination and treatment, if necessary, of juveniles injured on the jail premises;

(c) not accept juveniles who are unconscious, obviously seriously injured, obviously a suicide risk, obviously emotionally disturbed, or obviously under the influence of alcohol or drugs and are unable to care for themselves, until they have been examined by a qualified medical practitioner or have been taken to a medical facility for appropriate diagnosis and treatment and released back to the jail;

(d) train all jail staff members to recognize symptoms of mental illness[~~ or retardation~~];

(e) provide for the detoxification of a juvenile in the jail only when there is no community health facility to transfer the juvenile to for detoxification;

(f) require that any medical services provided while the juvenile is held be recorded.

(16) As long as classification standards are met, juvenile detainees may be housed together if age, compatibility, dangerousness, and other relevant factors are considered.

(17) Adult jails that are certified to hold juveniles for up to six hours must have written procedures which govern the acceptance of such juveniles. These procedures must include the following:

(a) When an officer or other person takes a juvenile into custody, the officer shall without unnecessary delay notify the parents, guardian, or custodian.

(b) The jail staff shall verify with the officer or other person taking the juvenile into custody that the juvenile's parents, guardian, or custodian have been notified of the juvenile's detention in jail. If notification did not occur, jail staff will contact the juvenile's parents, guardian, or custodian.

(c) The officer shall also promptly file with the detention or shelter facility a brief written report stating the facts which appear to bring the juvenile within the jurisdiction of the Juvenile Court and give the reason why the juvenile was not released.

(18) There must be written policy and procedures that require that the decision to detain the juvenile for up to six hours or to release the juvenile from jail be in accordance with the following principles:

(a) A juvenile shall not be detained by policy any longer than is reasonably necessary to obtain the juvenile's name, age, residence, and any other necessary information, and to contact the juvenile's parents, guardian, or custodian.

(b) The juvenile shall then be released to the care of the parent or other responsible adult unless the immediate welfare or the protection of the community requires that the juvenile be detained or that it is unsafe for the juvenile or the public to leave the juvenile in the care of the parents, guardian, or custodian. On release from jail, the parent or other person to whom the juvenile is released may be required to sign a written promise on forms supplied by the court to bring the juvenile to court at a time set, or to be set, by the court, Subsection [~~78-3a-113(3)(b)~~]78A-6-112(3).

(19) The written procedures for admitting juvenile detainees will include completion of an admission form on all juveniles that includes, as a minimum, the following information:

(a) date and time of admission and release;

(b) name, nicknames, and aliases;

(c) last known address;

(d) law enforcement jurisdiction, name, and title, of delivering officer;

(e) specific charge(s);

(f) sex;

(g) date of birth and place of birth;

(h) race or nationality;

(i) medical problems, if any;

(j) parents, guardian, or responsible person to notify in case of emergency, including addresses and telephone numbers;

(k) space for remarks, to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattoos;

(l) probation officer or caseworker assigned, if any;

(20) Juvenile processing procedures shall include written safeguards to prohibit nonoffenders from being detained in the facility and to ensure youth are held in accordance with R547-3-[~~2~~]3.

(21) There must be a written procedure governing the transfer of a juvenile to an appropriate juvenile facility which includes the following:

(a) If the juvenile is to be transferred to a juvenile facility, the juvenile must be transported there without unnecessary delay, but in no case more than six hours after being taken into custody. A copy of the report stating the facts which appear to bring the juvenile within the jurisdiction of the court and giving the reason for not releasing the juvenile shall be transmitted with the juvenile when transported.

(b) A written record shall be retained on file of all juveniles released, stating as a minimum to whom they were released, the release date, time, and authority.

(c) Procedures for releasing juvenile detainees shall include at a minimum:

(i) verification of identity;

(ii) verification of release papers;

(iii) completion of release arrangements;

(iv) return of juvenile detainee's personal effects and funds;

(v) verification that no jail property or other resident property leaves the jail with the juvenile.

(22) The written procedures governing the stay of a juvenile shall include:

(a) A juvenile, while held in a certified jail, shall have the same legal and civil rights as an adult inmate.

(b) A juvenile, while held in a certified jail, shall have the right to the same number of telephone calls as an adult inmate held the same amount of time.

(c) Unless the juvenile is to be transferred to an approved detention facility, visits should be limited to the juvenile's attorney, clergyman, and officers of the court. If the juvenile is to be transferred, an effort shall be made to provide for visitation by the juvenile's parents, guardian, or custodian prior to the transfer.

(d) If a juvenile is held during daylight hours the juvenile should be allowed access to reading materials. Where feasible the juvenile should be provided access to physical exercise and recreation, such as radio and TV.

(23) A case record shall be maintained on each juvenile admitted to a certified jail. Policies and procedures concerning the case records and the information in them shall be established which meet the following as a minimum:

(a) The contents of case records shall be identified and separated according to an established format.

(b) Case records shall be safeguarded from unauthorized and improper disclosure, in accordance with written policies and in compliance with [~~Rule 38 of the Juvenile Court Rules of Practice and Rule 7-201 of the Code of Judicial Administration~~]Section 78A-6-209 and Section 78A-6-1104.

(c) The facility shall assure that no information shall be entered into a case record that is incomplete, inaccurate, or unsubstantiated. At any point that it becomes apparent that this has occurred, the facility shall immediately make the necessary correction.

(24) A case record shall be maintained on each juvenile, as appropriate, and kept in a secure place. It shall contain as a minimum the following information and documents:

(a) initial intake information form;

(b) documented legal authority to accept, detain, and release juveniles;

(c) current detention medical/health care record;

(d) consent for necessary medical or surgical care, signed by parent, person acting in loco parentis, Juvenile Court judge, or facility official;

(e) record of medication administered;

(f) record of incident reports;

(g) a record of cash and valuables held;

(h) visitors' names, if any, personal and professional, and dates of visits;

(i) final discharge or transfer report.

(25) The jail facility director shall submit to the state Division of Juvenile Justice Services agency a monthly accurate report of the numbers of juveniles confined during the preceding month and provide information on each juvenile in the categories indicated on the report form as provided by the State.

~~[R547-3-3. Standards for Juveniles Detained in Jail beyond Six Hours.~~

~~(1) The following standards must be met in addition to the standards in Section R547-3-2 when a facility is certified under Section 62A-7-201 beyond a six hour hold. See Subsection R547-3-2(1)(b) and (c).~~

~~(2) There is a written statement that describes the philosophy, goals, or purposes of the facility, which is reviewed at least annually and updated if necessary.~~

~~(3) Written policy and procedure provide that all employees who have juvenile contact receive an additional 20 hours of specialized juvenile training during their first year of employment, and 40 hours integrated with training requirements for each subsequent year of employment provided or approved by Juvenile Justice Services.~~

~~(4) Single sleeping cells have at least 70 square feet of floor space, and juveniles are provided activities and services outside their rooms at least 14 hours a day, except in disciplinary cases. (ACA 2-8138)~~

~~(5) The total indoor activity area outside the cell area provides space of at least 100 square feet per juvenile. (ACA 2-8143)~~

~~(6) Educational space and instruction shall be provided in conformity with local or state educational requirements. (ACA 2-8146)~~

~~(7) Space is available for religious services. (ACA 2-8149)~~

~~(8) There is a day room for each cell cluster. The room has a minimum of 35 square feet of floor space per juvenile and is separate and distinct from the sleeping area, which is immediately adjacent and accessible. (ACA 2-8169)~~

~~(9) Written policy precludes the use of food as a disciplinary measure. (ACA 2-8225)~~

~~(10) Clean clothing is provided for juveniles--clean socks, underwear and towels on a daily basis, and other clothing at least twice a week. (ACA 2-8244)~~

~~(11) Written policy and procedure provide an approved shower schedule that allows daily showers and showers after strenuous exercise. (ACA 2-8246)~~

~~(12) A history of the juvenile's immunizations will be obtained within 30 days of admission and at the time the health appraisal data are collected. Immunizations are updated, as required, within legal constraints. (ACA 2-8266)~~

~~(13) Written policy and procedure provide for the prompt notification of the juvenile's parents/guardian, or legal custodian in case of serious illness, surgery, injury or death. (ACA 2-8271)~~

~~(14) Written policy and procedure ensure a special program for juveniles requiring close medical supervision. A physician develops a written medical treatment plan for each of these patients that includes directions to medical and nonmedical personnel regarding their roles in the care and supervision of these patients. (ACA 2-8277)~~

~~(15) Under no circumstances is a stimulant, tranquilizer or psychotropic drug to be administered for purposes of program~~

management and control or for purposes of experimentation and research. (ACA 2-8282)

(16) Programs and training are provided residents as needed within 72 hours for the development of sound habits and practices regarding personal hygiene. (ACA 2-8285)

(17) Written policy and procedure provide that when a juvenile is in need of hospitalization, a staff member accompanies him or her and stays with the juvenile at least during admission. (ACA 2-8286)

(18) Written policy and procedure provide that all informed consent standards in the jurisdiction are observed and documented for medical care. The informed consent of parent, guardian or legal custodian applies when required by law. When health care is rendered against the patient's will, it is in accord with state and federal laws and regulations. (ACA 2-8287)

(19) Written policy and procedure grant juveniles access to recreational opportunities and equipment, including, when the climate permits, outdoor exercise if detained more than 24 hours. (ACA 2-8298)

(20) Written policy and procedure provide that juveniles are not subjected to corporal or unusual punishment, humiliation, mental abuse or punitive interference with the daily functions of living, such as eating or sleeping. (ACA 2-8301)

(21) Juveniles are not required to participate in uncompensated work assignments unless the work is related to housekeeping, maintenance of the facility or grounds, or personal hygienic needs, or the work is part of an approved vocational training program or court approved work. (ACA 2-8302)

(22) There are no restrictions on the right of juveniles to determine the length and style of their hair, except in individual cases where such restrictions are necessary for reasons of health and safety. (ACA 2-8306)

(23) Written policy and procedure authorize juveniles to keep facial hair, if desired, except in individual cases where such restrictions are necessary for reasons of health and safety. (ACA 2-8307)

(24) Written policy and procedure specify that cell restriction for minor misbehavior serves only a "cooling off" purpose, is short in time duration, with the time period--fifteen minutes to sixty minutes--specified at the time of assignment. (ACA 2-8314)

(25) During room restriction, personal contact or observation is made by staff with the juvenile at least every 15 minutes, depending on the juvenile's emotional state. The juvenile assists in determining the end of the restriction period. (ACA 2-8316)

(26) Whenever juveniles are removed from the regular program, they are seen by a counselor or probation officer as soon as possible, but not more than 24 hours after removal. (ACA 2-8319)

(27) Juveniles placed in confinement separate from their living unit are visually checked by staff at least every 15 minutes and visited at least once each day by personnel from administrative, clinical, social work, religious or medical units; a log is kept stating who authorized the confinement, persons visiting the juvenile, the person authorizing release from confinement, and the time of release. (ACA 2-8321)

(28) The facility provides or makes available the following minimum services and programs to adjudicated and preadjudicated juveniles: (ACA 2-8354)

(a) visiting with parents/guardians;

(b) private communication with visitors and staff;

(c) counseling;

(d) continuous supervision of living units;

(e) medical services;

(f) food services;

(g) recreation and exercises;

(h) reading materials.

(29) Educational opportunities are available to all juveniles within 72 hours of admittance, excluding weekends and holidays. (ACA 2-8356)

(30) Educational programs in facilities are designed to assist detained juveniles in keeping up with their studies and are initiated within 72 hours. (ACA 2-8357)

(31) Written policy and procedure provide a recreation and leisure time plan that includes, at a minimum, at least one hour per day of large muscle activity and one hour of structured leisure time activities. (ACA 2-8363)

(32) The facility has a staff member or trained volunteer who coordinates and supervises the recreation program. (ACA 2-8364)

(33) Library services are available to all detained juveniles. (ACA 2-8366)

(34) Written policy defines the principles, purposes and criteria used in the selection and maintenance of library materials. (ACA 2-8367)

(35) There is a social services program that makes available a range of resources to meet the needs of juveniles, including individual and family counseling and community services. (ACA 2-8369)

(36) The social services program is administered and supervised by a person qualified and trained in the social or behavioral services. (ACA 2-8370)

(37) Each juvenile is assigned a counselor, jail or probation officer at intake. (ACA 2-8374)

(38) Work assignments do not conflict with education programs. (ACA 2-8378)

(39) Written policy and procedure provide for securing citizen involvement in programs, including roles as advisors and interpreters between the program and the public, direct services and cooperative endeavors with juveniles under supervision. (ACA 2-8408)

(40) Written policy and procedure provide for the screening and selection of volunteers, allowing for recruitment from cultural and socioeconomic segments of the community. (ACA 2-8411)

(41) Prior to assignment, each volunteer completes an orientation and training program appropriate to the nature of the assignment. (ACA 2-8412)

(42) Written policy and procedure ensure that consultants, contract personnel and volunteers who work with juveniles comply with the facility's policies on confidentiality of information. (ACA 2-8085)

(43) Service personnel other than facility staff perform work in the facility only under direct and continuous supervision of facility staff in those areas permitting contact with juveniles. (ACA 2-8007)

(44) There is a written description of the facility that specifies its mission within the context of the system of which it is a part. This description is reviewed at least annually and updated if necessary. (ACA 2-8008)

(45) Where statute permits, the juvenile work plan provides for juvenile work assignments in public works projects. (ACA 2-5360)

(46) Where statute permits, the juvenile work plan includes provision for juveniles to work in various nonprofit and community service projects. (ACA 2-5361)

(47) Where statute permits, written policy and procedure allow for juvenile participation in work or educational release programs. (ACA 2-5381)

(48) Temporary release programs are required to have the following elements: (ACA 2-5382)

(a) written operational procedures;

(b) careful screening and selection procedures;

~~(c) written rules of juvenile conduct;~~
~~(d) a system of supervision;~~
~~(e) a complete recordkeeping system;~~
~~(f) a system for evaluating program effectiveness;~~
~~(g) efforts to obtain community cooperation and support.~~
]
KEY: juvenile corrections
Date of Enactment or Last Substantive Amendment: [~~November 18, 2002~~]2008
Notice of Continuation: May 30, 2007
Authorizing, and Implemented or Interpreted Law: 62A-7-201

Human Services, Juvenile Justice Services
R547-7
Juvenile Holding Room Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31932
FILED: 09/08/2008, 16:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add an Authority Statement to the rule; and in response to H.B. 78 from the 2008 General Session, the agency is required to change the code citations to match the recodification of Title 78. (DAR NOTE: H.B. 78 (2008) is found at Chapter 3, Laws of Utah 2008, and was effective 02/07/2008.)

SUMMARY OF THE RULE OR CHANGE: The Authority Statement has been added. Additionally, the appropriate citations are changed to match the recodification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-7-201

ANTICIPATED COST OR SAVINGS TO:
- THE STATE BUDGET: None--The changes are for clarification.
- LOCAL GOVERNMENTS: None--The changes are for clarification.
- SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The changes are for clarification.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The changes are for clarification.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The changes are for clarification. Lisa-Michele Church, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
JUVENILE JUSTICE SERVICES
Room 419
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at judyhammer@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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Dan Maldonado, Director

R547. Human Services, Juvenile Justice Services.
R547-7. Juvenile Holding Room Standards.
R547-7-1. Authority.
Section 62A-1-111 authorizes the Department of Human Services to adopt administrative rules.

R547-7-2. Definitions.
(1) "Nonoffenders" means abused, neglected, or dependent youth.
(2) "Sight and sound separation" means that juvenile detainees must be located or arranged as to be completely separated from incarcerated adults by sight and sound barriers such that the adult inmates cannot see juvenile detainees and vice versa. Also, conversation is not possible between juvenile detainees and adult inmates.
(3) "Status offense" means a violation of the law that would not be a violation but for the age of the offender.

R547-7-~~[2]~~3. Standards for Two Hour Juvenile Detention in Local Law Enforcement Facilities.
(1) Criteria by which juveniles may be held:
(a) The maximum holding period will be two hours as provided for by Subsection 62A-7-201(4).
(b) Extensive efforts will be made by holding authorities during these two hours to contact the juvenile's parents, guardian, or other responsible adult and arrange for the juvenile's release.
(c) No juvenile under ten years of age will be held by holding authorities, as set forth in the following standards, for any length of time.
(d) Only juveniles who are alleged to have committed a non-status offense or are accused of juvenile handgun possession may be detained for identification or interrogation or while awaiting release to a parent or other responsible adult.
(e) Despite the authorization to hold a juvenile in a certified holding room for up to two hours, no juvenile shall be held in such a room unless there is no other alternative which will protect the juvenile and the community.
(2) Any holding facility intended for use for juveniles must be certified by the state Division of Juvenile Justice Services, Subsection 62A-7-201(4).
(3) There shall be acceptable sight and sound separation from adult inmates, as found in Subsection 62A-7-201(4). Written policy and procedure shall exist to assure supervision is maintained so that

both visual contact and verbal communication between juvenile detainees and adult inmates is prohibited.

(4) The juvenile holding rooms and the building in which they are located shall conform to all applicable:

(a) zoning laws;

(b) local and state safety, fire, and building codes;

(c) local and state health codes.

(5) All two hour holding room areas provide for, at a minimum:

(a) access to a toilet and wash basin;

(b) adequate shelter, heat, light, and ventilation that does not compromise security or enable escape;

(c) access to a drinking fountain;

(d) adequate utilitarian furnishings, including suitable chairs or benches.

(6) Whenever juveniles are detained, there shall be at a minimum:

(a) Removal of all property from the juvenile that could compromise the juvenile's safety, such as belts, shoelaces, and suspenders, prior to placing a juvenile in a holding room;

(b) constant on-site supervision, through visual monitoring and audio two way communication, Subsection 62A-7-201(4);

(c) a P.O.S.T. certified or qualified staff must be available to intervene within 60 seconds should a problem or medical emergency arise with a juvenile;

(d) frequent personal checks must occur with the juvenile to maintain communication and prevent panic and feelings of isolation;

(e) a written record of significant incidents and activities of the juvenile.

(7) A staff member of the same sex shall supervise the personal hygiene activities and care such as toilet related activities.

(8) When procedures require physical contact or examination, such as strip searches, these shall be done by a staff member of the same sex in private without TV monitoring. Body cavity searches shall be performed only when there is probable cause to believe that weapons or contraband will be found. With the exception of the mouth, all body cavity searches performed visually will be done by two personnel of the same sex as the youth. Manually performed body cavity searches will be performed by medically trained personnel, at least one of which will be the same sex as the youth being examined.

(9) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

(10) No detainee, juvenile or adult, shall be allowed to have authority or disciplinary control over, be permitted to supervise, or provide services of any nature to other detained juveniles.

(11) The juvenile's health and safety while in the holding room shall be safeguarded by following standard elements on medical and health service. In order to assure this, the holding room administration shall:

(a) have services available to provide 24 hours a day emergency medical care;

(b) provide for immediate examination and treatment, if necessary, of juveniles injured on the holding room premises;

(c) not accept juveniles who are unconscious, obviously seriously injured, obviously a suicide risk, obviously emotionally disturbed, or obviously under the influence of alcohol or drugs and are unable to care for themselves, until they have been examined by a qualified medical practitioner or have been taken to a medical facility for appropriate diagnosis and treatment and released back to the holding room;

(d) train all holding room staff members to recognize symptoms of mental illness;[~~or retardation;~~]

(e) require that any medical services provided while the juvenile is held be recorded.

(12) As long as classification standards are met, juveniles may be detained together if age, compatibility, dangerousness, and other relevant factors are considered. Juveniles of opposite genders may not be detained together.

(13) There must be written procedures in holding rooms governing the acceptance of juveniles, which include the following:

(a) When an officer or other person takes a juvenile into custody, they shall without unnecessary delay notify the parents, guardian, or custodian.

(b) The holding room staff shall verify with the officer or other person taking the juvenile into custody that the juvenile's parents, guardian, or custodian have been notified of the juvenile's detention. If notification did not occur, agency staff will contact the juvenile's parents, guardian, or custodian.

(14) There must be written policy and procedure that require that the decision to detain the juvenile for up to two hours or release the juvenile be in accordance with the following principles: Sections [~~78-3a-113~~]78A-6-112, [~~78-3a-114~~]78A-6-113, and 62A-7-[~~205~~]201.

(a) A juvenile shall not be detained any longer than is reasonably necessary to obtain their name, age, residence and any other necessary information, and to contact the juvenile's parents, guardian, or custodian.

(b) The juvenile shall then be released to the care of the parent or other responsible adult unless the immediate welfare or the protection of the community requires that the juvenile be detained or that it is unsafe for the juvenile or the public to leave the juvenile in the care of the parents, guardian or custodian. If after interrogation it is found that the juvenile should be detained, transfer to an appropriate juvenile facility shall occur without unnecessary delay.

(c) A release record must be maintained which includes:

(i) information regarding physical and emotional condition of juvenile;

(ii) relationship of adult assuming release responsibility to juvenile;

(iii) means of proof of adult identification;

(iv) signature of said adult assuming responsibility regarding juvenile's physical and emotional condition and understanding of reason for holding the juvenile in custody.

(15) An admission or referral form must be completed on each juvenile detained which includes, as a minimum, the following information:

(a) date and time of admission and release;

(b) name, nicknames, and aliases;

(c) last known address;

(d) law enforcement jurisdiction, name, and title, of delivering officer;

(e) specific charges;

(f) sex;

(g) date of birth and place of birth;

(h) race or nationality;

(i) medical problems, if any;

(j) parents, guardian, or responsible person to notify in case of emergency, including addresses and telephone numbers;

(k) space for remarks, to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattoos;

(l) probation officer or caseworker assigned, if any.

(16) The written procedures governing the stay of a juvenile shall include:

(a) A juvenile, while held in a certified holding room, shall have the same legal and civil rights as an adult detainee.

(b) A juvenile, while held in a certified holding room, shall have the right to the same number of telephone calls as an adult detainee held the same amount of time.

(17) A case record shall be maintained on each juvenile and shall be kept in a secure place. It shall contain, as a minimum, the following information and documents:

(a) initial intake information form;

(b) documented legal authority to accept, detain, and release youth;

(c) record of incident reports;

(d) a record of cash and valuables held;

(e) visitors' names, if any, personal and professional, and dates of visits;

(f) final release or transfer report.

(18) The holding room facility director shall submit to the state Division of Juvenile Justice Services a monthly accurate report of the numbers of juveniles confined during the preceding month and provide information on each juvenile in the categories indicated on the report form as provided by the state.

(19) Written policy and procedure provide that when a juvenile is in need of hospitalization, a staff member accompanies and stays with the juvenile until admission, if permitted by medical personnel, or until an adult family member or legal guardian arrives to remain with the juvenile.

(20) All informed consent standards in the jurisdiction are observed and documented for medical care. The informed consent of parent, guardian, or legal custodian applies when required by law. When health care is rendered against the patient's will, it is ordered by a standing magistrate or deemed an emergency as defined by Section [~~26A-1~~]26-8a-601.

(21) Written policy and procedure provide that juveniles are not subjected to corporal or unusual punishment, humiliation, or mental abuse.

(22) Written policy and procedure restrict the use of restraints or physical force to instances of justifiable self-defense, protection of juveniles and others, protection of property and prevention of escapes, and only when it is necessary to control juveniles and in accordance with the principle of least restrictive action. In no event is physical force justifiable as punishment. A written report is prepared following all uses of force and is submitted to the facility administrator.

(23) At intake, each juvenile detained is informed of the steps in the detention process.

(24) Juvenile processing procedures shall include written safeguards to prohibit nonoffenders from being detained in the facility and to ensure youth are held in accordance with R547-7-[~~2~~]3(1)(c) and (d).

KEY: juvenile corrections, licensing
Date of Enactment or Last Substantive Amendment: [~~November 18, 2002~~]2008
Notice of Continuation: May 30, 2007
Authorizing, and Implemented or Interpreted Law: 62A-7-201

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Insurance, Administration
R590-157
Surplus Lines Insurance Premium Tax and Stamping Fee

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31939
FILED: 09/11/2008, 12:43

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to reduce the surplus lines stamping fee from 1/4 of 1% to .15 of 1%. The fee is used to perform an examination of a surplus lines transaction by the Surplus Lines Association. They no longer need as much money to perform this task as they did in the past.

SUMMARY OF THE RULE OR CHANGE: The Authority section eliminates the general rulemaking code reference and reformats the rest of the rule. A new "Penalties" section is added to the rule but the penalties have not changed. The surplus lines stamping fee is reduced from 1/4 of 1% to .15 of 1%. The enforcement date is changed to 01/01/2009.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-3-303 and 31A-15-103

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes to this rule will have no fiscal impact on the department. No additional filings or other work will impact the department. The reduction of the fee will only impact the Surplus Lines Association who receives and processes the surplus lines tax for each surplus lines policy and examines the transaction.

❖ LOCAL GOVERNMENTS: The change in the percentage of the filing fee, or any other change in this rule will not affect local governments. It will reduce the amount surplus lines policyholders will have to pay and reduce the amount the Surplus Lines Association will receive to process these policies.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The changes to the rule will reduce the fee a surplus lines policyholder is required to pay to the Surplus Lines Association to examine the transaction and to receive and process the surplus lines tax on their policy.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to the rule will reduce the fee a surplus lines policyholder is required to pay to the Surplus Lines Association to examine the transaction and to receive and process the surplus lines tax on their policy.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will reduce income to the Surplus Lines Association at their request. 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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-157. Surplus Lines Insurance Premium Tax and Stamping Fee.
R590-157-1. Authority.

This rule is promulgated by the commissioner pursuant to Subsections:[~~the general rulemaking authority vested in the commissioner by Section 31A-2-201, which authorizes rules to implement the Insurance Code. Specific rulemaking authority is granted by Subsection~~]

(1) 31A-3-303(2) which requires the commissioner by rule to prescribe accounting and reporting forms and procedures to be used in calculating and paying the surplus lines premium tax[~~,~~]; and

(2) [~~Subsection~~]31A-15-103(11)(d) which requires the commissioner by rule to specify the stamping fee amount and how it is to be collected.[

~~This rule supersedes Rule R590-119 Surplus Lines Stamping Fee.~~]

R590-157-2. Purpose and Scope.

A. The purposes[~~purpose~~] of this rule are[~~is~~] to prescribe:

(1) the amount of the stamping fee and;

(2) the accounting and reporting forms and procedures to be used in calculating surplus lines premium taxes and stamping fees; and.

(3) the authorized entities to examine the transaction and collect and receive the tax and fee.

B. This rule applies to:

(1) insurers, surplus lines producers, and policyholders who are jointly and severally liable for the payment of the premium taxes and stamping fee;

(2) the advisory organization authorized to examine surplus transactions; and

(3) the commissioner's authorized agent to collect the stamping fee and premium tax and remit the premium tax to the commissioner.

R590-157-4. Stamping Fee Amounts.

A. The surplus lines stamping fee is .15[~~1/4~~] of 1% of the policy premium payable for the examination of a surplus lines transaction as required in Subsection 31A-15-103(11)(d).

B. Late surplus lines stamping fee payments may be subject to late fees of 25% of the stamping fee due plus 1 1/2% per month from the time of default until full payment of the fee.

C. A courtesy filing fee is not included as surplus lines premium for the purpose of computing taxes and stamping fees.

R590-157-5. Authorized Agency.

A. The commissioner hereby authorizes the Surplus Line Association of Utah to act as his agent for:

(1) collecting and remitting the premium tax imposed by Section 31A-3-301 on insurance transactions described in Sections 31A-15-103, 31A-15-104, and 31A-15-106[~~.~~];

(2) examining surplus lines transactions under Section 31A-15-111; and

(3) collecting the stamping fee authorized under Section 31A-15-103(11).

B. The Surplus Line Association shall remit all premium taxes it collects in accordance with the procedures of Section 6.

R590-157-7. Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.

[~~R590-157-7~~]R590-157-8. Enforcement Date.

The commissioner will begin enforcing the revised provision of this rule effective January 1, 2009[~~45 days from the rule's effective date~~].

R590-157-[8]9. Severability.

If any provision of this rule [~~of~~]or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of [~~such~~]the provision to other persons or circumstances shall not be affected thereby.

KEY: insurance fee, taxes
Date of Enactment or Last Substantive Amendment: [~~June 13, 2007~~]2008
Notice of Continuation: January 10, 2008
Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-3-303; 31A-15-103

Insurance, Administration
R590-176
Health Benefit Plan Enrollment

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31937
FILED: 09/11/2008, 08:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated as a result of comments received during the most recent comment period.

SUMMARY OF THE RULE OR CHANGE: The Governor's Office of Planning and Budget has suggested that the full name and date of the uninsurable underwriting standard specified be included in the rule along with how the standard is to be used by the health insurance industry.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-2-202

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes to this rule will not affect the revenues or expenditures of the state or the department. Fees or fines will not be increased nor will the changes create additional work for the department. The changes merely clarify the name and date of the uninsurable underwriting standard and how it will be used.

❖ LOCAL GOVERNMENTS: The changes to this rule will have no effect on local governments since the rule deals solely with the relationship between the department and its licensees.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The changes to this rule simply clarify the name and date of the underwriting standard to be used in determining uninsurability of individuals seeking health insurance. This is a process that is already being used. The 2008 Legislature in H.B. 301 has required that the standard be updated. (DAR NOTE: H.B. 301 (2008) is found at Chapter 385, Laws of Utah 2008, and was effective 05/05/2008.)

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule simply clarify the name and date of the underwriting standard to be used in determining uninsurability of individuals seeking health insurance. This is a process that is already being used. The 2008 Legislature in H.B. 301 has required that the standard be updated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on 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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-176. Health Benefit Plan Enrollment.
R590-176-7. Individual Underwriting Criteria.

(1) Each carrier shall determine the number of individuals classified as uninsurable at initial enrollment. This determination shall be made in accordance with [~~underwriting standards established by~~]this rule.

(2) An individual insured by the Utah Comprehensive Health Insurance Pool is classified as uninsurable.

(3) (a) An individual may be classified as uninsurable if the individual has:

(i) one or more medical [~~conditions (~~]conditions; or

(ii) one or more prescriptions; and

(iii) the conditions, prescriptions, or both, are [~~assigned~~]determined to have a total number of debit points equal to or greater than 99 debit points in the aggregate [~~according to the latest version of~~]consistent with the Milliman Health Cost Guidelines - Small Group Medical Underwriting[~~-Guidelines~~], June 2008, taking into account;

(A) elapsed time;

(B) additional criteria; and

(C) exception criteria.

(b) A carrier may not take into account conditions for which coverage is not provided. This includes conditions excluded as a pre-existing condition for which treatment is expected during the exclusion period if the applicant would not be considered uninsurable after the treatment.

(4) Determinations made by an insurer under Subsection (3)(iii) will be audited by an experienced independent underwriter retained by the board of the Utah Comprehensive Health Insurance Pool who will rely on the[~~The~~] Milliman Health Cost Guidelines - Small Group Medical Underwriting[~~-Guidelines~~], June 2008,[~~-are available at the HIPUtah administrator's place of business~~]to evaluate whether the debit points of the medical conditions, prescriptions, or both are equal to or greater than 99 debit points in the aggregate.

(5) A carrier may appeal [~~to the commissioner~~]a determination by the auditor under Section 3 that an individual has a combination [~~to have an individual classified as uninsurable if the individual has a combination~~]of conditions, prescriptions, or both, that [~~would~~]cause that individual to have debit points [~~assigned that equal or exceed~~]less than the number of debit points determined under Section (3) [~~pursuant to the latest version of the Small Group Medical Underwriting Guidelines~~]to the commissioner. The commissioner may appoint a designee to review these appeals.

(6) Only individuals enrolling under Subsection 31A-30-108(3) may be counted as uninsurable.

R590-176-8. Individual Carrier Enrollment Cap Calculation and Certification.

(1) Pursuant to Section 31A-30-110, an individual carrier may not decline enrollment until the carrier has:

(a) met its enrollment cap; and

(b) submitted a certification to the department in compliance with this section.

(2) An individual carrier may limit enrollment after submitting its certification.

(3) The commissioner may require additional enrollment after reviewing the certification.

(4) An officer of the individual carrier shall submit a certification that:

(a) lists the UC and CI as defined in Section 31A-30-103(28);

(b) lists the number of individual natural covered lives at the time of the certification;

(c) categorizes the UC into new applicants added to existing policies and newly issued policies;

(d) identifies the number of Comprehensive Health Insurance Pool participants; and

(e) identifies the qualifying condition[~~{~~]s[~~}~~], prescription[~~{~~]s[~~}~~], or both that cause the persons making up the carrier's UC to be considered uninsurable under Section 31A-30-106(1)(j)and Rule R590-176.

(5) Carriers, whose coverage count exceeds 200% of the coverage count as of the end of the prior year, shall determine the uninsurable percentage using counts as of the end of the most recent calendar quarter.

R590-176-11. Severability.

If a provision of this rule or [~~its~~]the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the[~~se~~] provisions to other persons or circumstances shall[~~may~~] not be affected thereby.

KEY: health insurance
Date of Enactment or Last Substantive Amendment: 2008
Notice of Continuation: January 11, 2007
Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-2-202

♦ ♦

Natural Resources, Wildlife Resources
R657-9
Taking Waterfowl, Common Snipe and Coot

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31948
FILED: 09/15/2008, 13:53

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWRs) waterfowl program.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions: 1) change the application procedure for swan permits to include group applications, preference points, and youth permit allocations; 2) add the swan head measurement requirement to late swan questionnaire holders; and 3) add Topaz Slough to the list of state waterfowl management areas.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 20, 50 CFR 32.64, and 50 CFR 27.21, 2004

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--This amendment changes the application process to coincide with other applications currently accepted by DWR. Therefore, the proposed changes to the rule do not create a cost or savings impact to the state budget or DWR's budget.

❖ LOCAL GOVERNMENTS: None--The proposed amendments change internal processes; therefore, the proposed changes do not create any direct cost or savings impact to local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--This amendment changes the application procedure but does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment changes the application procedure for swan permits; that process change would not create an additional cost, however, it could add additional swan hunting opportunities to youth applicants. The swan head measurement is a procedure that is currently in place, this would just extend it to those who missed the swan questionnaire deadline.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.
R657-9. Taking Waterfowl, Common Snipe and Coot.
R657-9-4. Permit Applications for Swan.

(1) Applications for swan permits are available through the division's Internet address. Residents and nonresidents may apply.

(2)(a) Applications must be submitted online by the date prescribed in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot.

(b) If an error is found on the application, the applicant may be contacted for correction.

(c) The division reserves the right to correct applications.

(3) A person may obtain only one swan permit each year

(4) A person may not apply more than once annually.

(5) Group applications are [~~not~~]accepted. Up to four applicants may apply as a group.

(6)(a) Fifteen percent of the swan permits in each region are reserved for youth hunters.

(b) For purposes of this section, "youth" means any person 15 years of age or younger on the opening day of the swan season.

(c) Youth hunters who wish to participate in the youth drawing must:

(i) submit an application in accordance with Section R657-9-4; and

(ii) not apply as a group.

(d) Youth applicants who apply for a swan permit as provided in Subsection (c), will automatically be considered in the youth drawing based upon their birth date.

(e) Preference points shall be used when applying.

(f) Any reserved permits remaining and any youth applicants who were not selected for reserved permits shall be returned to the general swan drawing.

(7)[~~(6)~~] A Utah hunting or combination license may be purchased before applying, or the hunting or combination license will be issued to the applicant upon successfully drawing a permit.

(8) The permit fees and handling fees must be paid pursuant to Rule R657-42-8(5).

R657-9-7. Return of Swan Harvest and Hunt Information.

(1) Swan permit holders who do not hunt or are unsuccessful in taking a swan must respond to the swan questionnaire through the division's Internet address, or by telephone, within 30 calendar days of the conclusion of the prescribed swan hunting season.

(2) Within three days of harvest, swan permit holders successful in taking a swan must personally present the swan or its head for measurement to the division or the Bear River Migratory Bird Refuge and further provide all harvest information requested by the division or Refuge.

(3) Hunters who fail to comply with the requirements of Subsections (1) or (2) shall be ineligible to:

(a) obtain a swan permit the following season; and

(b) obtain a swan permit after the first season of ineligibility until the swan orientation course is retaken.

(4) late swan questionnaires may be accepted pursuant to Rule R657-42-9(3). Swan permit holders are still required to present the swan or its head for measurement to a division office.

R657-9-11. Use of Firearms on State Waterfowl Management Areas.

(1) A person may not possess a firearm or archery tackle on the following waterfowl management areas any time of the year except during the specified waterfowl hunting seasons or as authorized by the division:

(a) Box Elder County - Harold S. Crane, Locomotive Springs, Public Shooting Grounds, and Salt Creek;

(b) Daggett County - Brown's Park;

(c) Davis County - Farmington Bay, Howard Slough, and Ogden Bay;

(d) Emery County - Desert Lake;

(e) Millard County - Clear Lake, Topaz Slough;

(f) Tooele County - Timpie Springs;

(g) Uintah County - Stewart Lake;

(h) Utah County - Powell Slough;

(i) Wayne County - Bicknell Bottoms; and

(j) Weber County - Ogden Bay and Harold S. Crane.

(2) During the waterfowl hunting seasons, a shotgun is the only firearm that may be in possession, except as provided in Rule R657-12.

(3) The firearm restrictions set forth in this section do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.

R657-9-13. Airboats.

(1) Air-thrust or air-propelled boats and personal watercraft are not allowed in designated parts of the following waterfowl management or federal refuge areas:

(a) Box Elder County: Box Elder Lake, Bear River, that part of Harold S. Crane within one-half mile of all dikes and levees, Locomotive Springs, Public Shooting Grounds and Salt Creek, that part of Bear River Migratory Bird Refuge north of "D" line as posted.

(b) Daggett County: Brown's Park

(c) Davis County: Howard Slough, Ogden Bay and Farmington Bay within diked units.

(d) Emery County: Desert Lake

(e) Millard County: Clear Lake, Topaz Slough

(f) Tooele County: Timpie Springs

(g) Uintah County: Stewart Lake

(h) Utah County: Powell Slough

(i) Wayne County: Bicknell Bottoms

(j) Weber County: Ogden Bay within diked units or as posted and all of Harold S. Crane Waterfowl Management Area.

(2) "Personal watercraft" means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and

(c) designed to be operated by a person sitting, standing or kneeling on the vessel, rather than sitting or standing inside the vessel.

R657-9-32. Closed Areas.

(1) A person may not trespass on state waterfowl management areas except during prescribed seasons, or for other activities as posted without prior permission from the division.

(2) A person may not participate in activities that are posted as prohibited.

(3) A person may not trespass, take, hunt, shoot at, or rally any waterfowl, snipe, or coot in the following specified areas:

(a) Brown's Park - That part adjacent to headquarters.

(b) Clear Lake - Spring Lake.

(c) Desert Lake - That part known as "Desert Lake."

(d) Farmington Bay - Headquarters and Learning center area, within 600 feet of dikes and roads accessible by motorized vehicles and the waterfowl rest area in the northwest quarter of unit one as posted.

(e) Ogden Bay - Headquarters area.

(f) Public Shooting Grounds - That part as posted lying above and adjacent to the Hull Lake Diversion Dike known as "Duck Lake."

(g) Salt Creek - That part as posted known as "Rest Lake."

(h) Bear River Migratory Bird Refuge - For information contact the refuge manager, U.S. Fish and Wildlife Service, at (435) 723-5887. The entire refuge is closed to the hunting of snipe.

(i) Fish Springs and Ouray National Wildlife Refuges - Waterfowl hunters must register at Fish Springs refuge headquarters prior to hunting. Both refuges are closed to the hunting of swans, and Fish Springs is closed to the hunting of geese.

(j) State Parks

Hunting of any wildlife is prohibited within the boundaries of all state park areas except those designated open by appropriate signing as provided in Rule R651-614-4.

(k) Great Salt Lake Marina and adjacent areas as posted.

(l) Millard County

Gunnison Bend Reservoir and the inflow upstream to the Southerland Bridge.

(m) Salt Lake International Airport - Hunting and shooting prohibited as posted.

R657-9-37. Preference Point System.

(1) Preference points are used in the swan drawings to ensure that applicants who are unsuccessful in the drawing will have first preference in the next year's drawing.

(2)(a) A preference point is awarded for:

(i) each valid unsuccessful application when applying for a swan permit; or

(ii) each valid application when applying only for a preference point in the swan drawing.

(3)(a) A person may not apply in the drawing for both a preference point and a permit.

(b) A person may not apply for a preference point if that person is ineligible to apply for a permit.

(c) Preference points shall not be used when obtaining remaining permits after the swan drawing.

(4) Preference points are forfeited if a person obtains a swan permit through the drawing.

(5)(a) Preference points are not transferable.

(b) Preference points shall only be applied to the swan drawing.

(6) Preference points are averaged and rounded down when two or more applicants apply together on a group application.

(7)(a) Preference points are tracked using social security numbers or division-issued hunter identification numbers.

(b) The division shall retain copies of electronic applications from 2008 to the current swan drawing for the purpose of researching preference point records.

(c) Any requests for researching an applicant's preference point records must be requested within the time frames provided in Subsection (b).

(d) Any preference points on the division's records shall not be researched beyond the time frames provided in Subsection (b).

(e) The division may eliminate any preference points earned that are obtained by fraud or misrepresentation.

KEY: wildlife, birds, migratory birds, waterfowl
Date of Enactment or Last Substantive Amendment: [~~November 21, 2007~~]2008
Notice of Continuation: August 21, 2006
Authorizing, and Implemented or Interpreted Law: 23-14-19; 23-14-18; 50 CFR part 20

Natural Resources, Wildlife Resources
R657-39
Wildlife Board and Regional Advisory Councils

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31946
FILED: 09/15/2008, 12:47

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the Division of Wildlife Resources' (DWRs) Regional Advisory Council program.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to provide an electronic meeting process for Wildlife Board meetings as well as guidelines for holding an emergency board meeting. Other changes are made for consistency.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 23-14-2.6(7) and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: These amendments provide guidelines and clarifications to allow a wildlife board member to attend a board meeting telephonically. They also allow DWR to hold emergency board meetings as needed. All necessary equipment is currently owned by the state and therefore, DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: These amendments provide guidelines and clarification to allow a wildlife board member to attend a board meeting telephonically and allow DWR to hold emergency board meetings as needed. Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments provide guidelines and clarification to allow a wildlife board member to attend a board meeting telephonically. They also set the procedure for DWR to hold emergency board meetings as needed. DWR determines that there are no additional compliance costs associated with these amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.
R657-39. Wildlife Board and Regional Advisory Councils.
R657-39-1. Purpose and Authority.

This rule is established under the authority of Sections 23-14-2, 23-14-2.6(7), 23-14-3, and 23 -14-19 to provide the standards and procedures for the operation of the Wildlife Board and regional advisory councils.

R657-39-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Anchor location" means the physical location from which:

(i) an electronic meeting originates; or

(ii) the participants are connected.

(b) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.

R657-39-3. Regional Advisory Council Memberships -- Terms of Office.

(1)(a) There are created five regional advisory councils which shall consist of at least 12 members and not more than 15 members each from the wildlife region whose boundaries are established for administrative purposes by the division.

(b) Regional advisory councils shall be established as follows:

(i) two members who represent agriculture;

(ii) two members who represent sportsman;

(iii) two members who represent nonconsumptive wildlife;

(iv) one member who represents locally elected public officials;

(v) one member who represents the U.S. Forest Service;

(vi) one member who represents the Bureau of Land Management;

(vii) one member who represents Native Americans where appropriate; and

(viii) two members of the public at large who represent the interests of the region.

(c) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall appoint additional members to the councils, up to a total of 15 per region, if deemed necessary to provide adequate representation of local interests and needs.

(d) Members of the councils shall serve a term of four years, except members may be appointed for a term of two years to ensure that the terms of office are staggered.

(e) Members may serve no more than two terms, except:

(i) members representing Native Americans may serve unlimited terms;

(ii) members filling a vacancy under Subsection (3) for two years or less will not be credited with having served a term; and

(iii) members who have served two terms may be eligible to serve an additional two terms after four years absence from regional advisory council membership.

(f) Members' terms expire on July 1 of the final year in the appointed term.

(2) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, may remove members of the councils from office for cause, but may not do so without a public hearing if requested by the member.

(3) If a vacancy occurs, the executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall appoint a replacement to serve the remainder of the term from a list of nominees submitted by the respective interest group, agency, or the public at large.

(4)(a) Each council shall appoint:

(i) a chair to conduct meetings and present council recommendations to the Wildlife Board; and

(ii) a vice chair to conduct meetings in the absence of the chair.

(b) The chair and vice chair shall serve for a two year term of office.

(5) Regional supervisors of the division shall serve as executive secretary to the councils and shall provide administrative support.

(6) Each new member shall attend an orientation course provided by the division to assist them in the performance of the duties of the their office.

(7) Any member who fails to attend two consecutive, previously scheduled meetings without contacting the chair shall be considered to have resigned and shall be replaced as provided in this section.

R657-39-4. Regional Advisory Council Meetings.

(1) Meeting dates and times may be proposed by the Division of Wildlife Resources, but shall be determined by the chair upon at least ten days notice or upon shorter notice in emergency situations.

(2) Meeting locations may be proposed by the Division of Wildlife Resources, but shall be determined by the chair and must be held within the council's regional boundary.

(3) Meetings [~~shall~~]should be conducted in accordance with Robert's Rules of Order.

(4)(a) Each council shall provide not less than 24 hours' public notice of the agenda, date, time, and place of each of its meetings.

(b) Public notice is satisfied by:

(i) posting written notice at the regional division office; and

(ii) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the council, or to a local media correspondent.

(c) When because of unforeseen circumstances it is necessary for a council to consider matters of an emergency or urgent nature, the notice requirements in this section may be disregarded and the best notice practicable given. No such meeting shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting.

(5) No formal decisions or recommendations may be made at any meeting unless there is a quorum present consisting of a simple majority of the membership of the council.

(6) Written minutes shall be kept of all council meetings pursuant to Section 52-4-7. Such minutes shall include:

(a) the date, time and place of the meeting;

(b) the names of members present and absent;

(c) the substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(d) the names of all citizens who appeared and the substance in brief of their testimony;

(e) any other information that any member requests be entered into the minutes.

(7)(a) All council meetings shall be open to the public except that a council may hold a closed meeting as authorized in Utah Code Sections 52-4-4 and 52-4-5.

(b) A record of all closed meetings shall be kept and maintained consistent with Utah Code Section 52- 4-7.5.

R657-39-5. Regional Advisory Council Recommendations.

(1) Each council shall:

(a) hear broad input, including recommendations, biological data, and information regarding the effects of wildlife;

(b) gather information from staff, the public, and government agencies; and

(c) make recommendations to the Wildlife Board in an advisory capacity.

(2) The chair of each council or his or her designee shall submit a written recommendation to the Wildlife Board and present its recommendations orally to the Wildlife Board during an open public meeting.

(3) Councils may not make formal recommendations to the Wildlife Board concerning the internal policies and procedures of the division, personnel matters, or expenditure of the division's budget.

R657-39-6. Wildlife Board Electronic Meetings.

(1) Utah Code Section 52-4-207 authorizes a public body to convene or conduct an electronic meeting provided written procedures are established for such meetings. This rule establishes procedures for conducting Wildlife Board meetings by electronic means.

(2) The following provisions govern any meeting at which one or more Wildlife Board members appear telephonically or electronically pursuant to Section 52-4-207:

(a) If one or more board members participate in a public meeting electronically or telephonically, public notices of the meeting shall specify:

(i) the board members participating in the meeting electronically and how they will be connected to the meeting;

(ii) the anchor location where interested persons and the public may attend, monitor, and participate in the open portions of the meeting;

(iii) the meeting agenda; and

(iv) the date and time of the meeting.

(b) Written or electronic notice of the meeting and the agenda shall be posted or provided no less than 24 hours prior to the meeting:

(i) at the anchor location;

(ii) on the Utah Public Notice Website; and

(iii) to at least one newspaper of general circulation within the state or to a local media correspondent.

These notices shall be provided at least 24 hours before the meetings.

(c) Notice of the possibility of an electronic meeting shall be given to board members at least 24 hours before the meeting. In addition, the notice shall describe how a board member may participate in the meeting electronically or telephonically.

(d) When notice is given of the possibility of a board member appearing electronically or telephonically, any board member may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the board.

(i) At the commencement of the meeting, or at such time as any board member initially appears electronically or telephonically, the chair should identify for the record all those who are appearing telephonically or electronically.

(ii) Votes by members of the board who are not at the physical location of the meeting shall be confirmed by the chair.

(e) The anchor location, unless otherwise designated in the notice, shall be at the offices of the Utah Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah.

(i) The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected.

(ii) The anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

R657-39-7. Wildlife Board Emergency Meetings.

(1) There are times when, due to the necessity of considering matters of an emergency or urgent nature, the public notice provisions of Sections 52-4-202(1) cannot be met. Pursuant to Section 52-4-202(5), the notice requirements in Section 52-4-202(1) may be disregarded when unforseen circumstances require the wildlife board to meet and consider matters of an emergency or urgent nature.

(2) The following procedure shall govern any emergency meeting:

(a) No emergency meeting shall be held unless an attempt has been made to notify all of the members of the board of the proposed meeting and a majority of the convened members vote in the affirmative to hold such an emergency meeting.

(b) Public notice of the emergency meeting shall be provided as soon as practicable and shall include at a minimum the following:

(i) Posting of the date, time, and place of the meeting and the topics to be considered:

(A) at the offices of the division;

(B) on the division's web page; and

(C) at the location where the emergency meeting will be held.

(ii) If members of the board appear electronically or telephonically, notice shall comply with the requirements of R657-39-6(2) to the extent practicable.

(c) In convening the meeting and voting in the affirmative to hold such an emergency meeting, the board shall affirmatively state and find what unforeseen circumstances have rendered it necessary for the board to hold an emergency meeting to consider matters of an emergency or urgent nature such that the ordinary public notice of meetings provisions of Utah Code Section 52-4-202 could not be followed.

KEY: terms of office, public meetings, regional advisory councils
Date of Enactment or last Substantive Amendment: [~~June 3, 2003~~]2008
Notice of Continuation: January 9, 2006
Authorizing, and Implemented or Interpreted Law: 23-14-2.6(7); 23-14-19

♦ ♦

Natural Resources, Wildlife Resources
R657-54
Taking Wild Turkey

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31945
FILED: 09/15/2008, 12:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the wild turkey program as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions: 1) streamline the wild turkey application to a web-based application only; and 2) remove the Internet only application for landowner wild turkey permits.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 20, 2003 ed.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This amendment changes the application process to coincide with other applications currently accepted by the Division of Wildlife Resources (DWR); therefore, DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.
❖ LOCAL GOVERNMENTS: Since this amendment only changes the application process to coincide with other applications currently accepted by DWR, this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This amendment requires the sportsmen to apply for a turkey permit through a web-based application instead of a paper process. Therefore, DWR believes the amendments will not generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments will not create additional costs for residents or nonresidents wishing to hunt turkey in Utah, since the application process fees remain the same, the application process itself is the only change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.
R657-54. Taking Wild Turkey.
R657-54-3. Application Procedure for Wild Turkey.

(1)(a) Applications are available through the division's internet address. Applications must be submitted by the date prescribed in the Turkey Proclamation of the Wildlife Board for taking wild turkey.

(b) Residents and nonresidents may apply.

(2)(a) Group applications for wild turkey will not be accepted.

(b) Applicants may select up to [~~three~~]five hunt choices when applying for limited entry turkey permits. Hunt unit choices must be listed in order of preference.

(c) A person must possess a valid hunting or combination license in order to apply for or obtain a wild turkey permit.

(d) To apply for a resident permit, a person must be a resident at the time of purchase.

(e) The posting date of the drawing shall be considered the purchase date of a permit.

(3)(a) A person may obtain only one wild turkey permit each year, except a person may obtain wild turkey conservation permits in addition to obtaining a limited entry or remaining wild turkey permit.

(b) A person may not apply for wild turkey more than once annually.

(4)(a) If an error is found on the application, the applicant may be contacted for correction.

(b) The division reserves the right to correct applications.

(c) A turkey permit allows a person using any legal weapon as provided in Section R657-54-7 to take one bearded turkey within the area and season specified on the permit.

(5) The permit fees and handling fees must be paid pursuant to Rule R657-42-8(5).

(6) Applicants will be notified by mail or e-mail of drawing results[~~. The drawing results will be available on the division's Internet address~~] by the date published in the Turkey Proclamation of the Wildlife Board for taking wild turkey.

(7) Any permits remaining after the drawing are available on the date published in the Turkey Proclamation on a first-come, first-served basis from division offices and participating online license agents.

(8)(a) An applicant may withdraw their application for the wild turkey permit drawing by [~~requesting such in writing by~~]the date published in the Turkey Proclamation of the Wildlife Board for taking wild turkey.

(b[~~) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the address published in the Turkey proclamation of the Wildlife Board for taking wild turkey.~~

~~(c~~]) Handling fees and hunting or combination license fees will not be refunded.

(9)(a) An applicant may amend their application for the wild turkey permit drawing by [~~requesting such in writing by~~]the date published in the Turkey Proclamation of the Wildlife Board for taking wild turkey[~~.~~

~~(b) The applicant must send their notarized signature with a statement requesting that their application be amended to the address published in the Turkey Proclamation of the Wildlife Board for taking wild turkey.~~

~~(c) The applicant must identify in their statement the requested amendment to their application.~~

~~(d) An amendment may cause rejection if the amendment causes an error on the application~~].

R657-54-6. Landowner Permits.

(1)(a) Up to an additional 20 percent of the limited entry permits authorized for taking Merriam's and Rio Grande turkeys are available to private landowners through a drawing.

(2) Landowners interested in obtaining landowner permits must:

(a) contact the regional Division office in their area on the dates published in the Turkey Proclamation of the Wildlife Board for taking wild turkey;

(b) obtain and complete a landowner application;

(c) obtain a Division representative's signature on the landowner application; and

(d) submit the landowner application in accordance with Section R657-54-3.

(4)(a) Landowner permit applications that are not signed by the local Division representative will be rejected.

[~~(b) Landowner permit applications will not be accepted through the Internet.~~

]](5)(a) Only one eligible landowner may submit an application for the same parcel of land within the respective regional hunt boundary area.

(b) In cases where more than one application is received for the same parcel of land, all applications will be rejected.

(6) Applications must include:

(a) description of total acres owned within the respective regional hunt boundary;

(b) evidence of property ownership, including a copy of a title, deed, or tax notice indicating the applicant is the owner of the property; and

(c) the signature of the landowner.

(i) The signature on the application will serve as an affidavit certifying land ownership.

(7)(a) A landowner is eligible to participate in the drawing for available landowner turkey permits provided the landowner owns:

(i) at least 640 acres of essential habitat, or 40 acres of essential habitat that is cleared and planted land, in an open unit designated as a Merriam's unit that supports wild turkeys; or

(ii) at least 20 acres of essential habitat in an open unit designated as a Rio Grande unit that supports wild turkeys.

(b) Land qualifying as essential habitat, or cleared and planted land, and owned by more than one landowner may qualify for a landowner permit. However, the landowners who own the qualifying land must determine the landowner who will be participating in the drawing.

(8)(a) A landowner who applies for a landowner permit may:

(i) be issued the permit; or

(ii) designate a member of the landowner's immediate family or landowner's regular full-time employee to receive the permit.

(b) At the time of application, the landowner must identify the designee who will receive the permit.

(c) The landowner permit may be used only on the open limited entry area in which the landowner's property is located during the open season established for hunting wild turkeys.

(d) A person may not apply for or obtain a landowner permit without possessing a Utah hunting or combination license.

(9) Applicants will be notified by mail or e-mail of the drawing results for landowner permits by the date published in the Turkey Proclamation of the Wildlife Board for taking wild turkey.

(10)(a) Any landowner permits remaining after the landowner drawing shall be converted to public limited entry permits for that specific unit.

(b) These permits shall be issued through the limited entry drawing. Therefore, the number of public permits listed in the Turkey Proclamation of the Wildlife Board for taking wild turkey, may increase.

(11)(a) A waiting period does not apply to landowners applying for landowner permits.

(b) A landowner may apply once annually for a landowner permit and a limited entry permit, but may only draw or obtain one permit.

KEY: wildlife, wild turkey, game laws
Date of Enactment or Last Substantive Amendment: [~~November 21, 2007~~]2008
Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19

♦ ♦

Public Safety, Peace Officer Standards and Training
R728-403-2
United States Citizenship Requirement

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31930
FILED: 09/04/2008, 14:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment to change the options for naturalized citizens applying to POST to prove citizenship.

SUMMARY OF THE RULE OR CHANGE: The amendment will allow naturalized citizens to use a United States passport in addition to a Naturalization number to prove United States citizenship.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amended change will not have a cost or savings to the state budget because applicants that apply for the academy do not pay or receive money to the state for applying for the academy.

❖ LOCAL GOVERNMENTS: The amended change will not have a cost or savings to local government because applicants sponsored by local agencies are not required to pay and do not receive money to apply to the academy.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The amended change will not have a cost or savings to small businesses because small businesses are not involved in the application process for POST.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amended change will not have a compliance cost for any affected person. The option to have either a United States passport or a naturalization card gives more options to a naturalized citizen to prove citizenship to apply for the academy.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment to this rule will not have a 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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/10/2008

AUTHORIZED BY: Scott T Duncan, Commissioner

R728. Public Safety, Peace Officer Standards and Training.
R728-403. Qualifications For Admission To Certified Peace Officer Training Academies.
R728-403-2. United States Citizenship Requirement.

The applicant shall be a United States citizen.

A. The applicant shall provide the division proof of United States citizenship by providing a copy of birth certificate, or other formal government document indicating United States citizenship.

[~~B. Naturalized citizens shall indicate their naturalization number on the application for peace officer training and certification. Naturalized citizens shall not attach a copy of their naturalization certificate, whereas copying naturalization certificates without permission is a violation of federal law.~~]B. Naturalized citizens shall provide proof of U.S. citizenship.

1. Naturalized citizens may indicate their naturalization number on the application for peace officer training and certification. Naturalized citizens shall not attach a copy of their naturalization certificate, whereas copying naturalization certificates without permission is a violation of federal law or;

2. Naturalized citizens may indicate the number of their United States passport on the application for peace officer training and certification. The applicant shall attach a photocopy of their United States Passport to the application.

KEY: law enforcement officers, qualifications for training[~~*~~]
Date of Enactment or Last Substantive Amendment: [~~April 15, 1997~~]2008
Notice of Continuation: February 26, 2007
Authorizing, and Implemented or Interpreted Law: 53-6-203; 53-6-211

♦ ♦

Tax Commission, Administration
R861-1A-20
Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-501, 59-2-1007, 59-7-517, 59-10-532, 59-10-533, 59-10-535, 59-12-114, 59-13-210, 63-46b-3; 63-46b-14; 68-3-7; and 68-3-85

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31947
FILED: 09/15/2008, 13:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This section is amended to reflect recent statutory changes and to clarify terms.

SUMMARY OF THE RULE OR CHANGE: Statutory references are updated in accordance with H.B. 63 (2008), and terms are clarified. (DAR NOTE: H.B. 63 (2008) is found at Chapter 382, Laws of Utah 2008, and was effective 05/05/2008.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-1-301, 59-1-501, 59-2-1007, 59-7-517, 59-10-532, 59-10-533, 59-10-535, 59-12-114, 59-13-210, 63G-4-201, 68-8-7, and 68-3-8.5

ANTICIPATED COST OR SAVINGS TO:
- ❖ THE STATE BUDGET: None--Clarifications reflect long-standing commission practice.
- ❖ LOCAL GOVERNMENTS: None--Clarifications reflect long-standing commission practice.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Clarifications reflect long-standing commission practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendments reflect current practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The clarifying amendments reflect current Tax Commission practice. D'Arcy Dixon, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY UT 84134-0002, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R861. Tax Commission, Administration.
R861-1A. Administrative Procedures.
R861-1A-20. Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-501, 59-2-1007, 59-7-517, 59-10-532, 59-10-533, 59-10-535, 59-12-114, 59-13-210, [~~63-46b-3, 63-46b-14~~]63G-4-201, 63G-4-401, 68-3-7, and 68-3-8.5.

(1) A request for a hearing to correct a centrally assessed property tax assessment pursuant to Section 59-2-1007 must be in writing. The request is deemed to be timely if:

(a) it is received in the commission offices on or before the close of business of the last day of the time frame provided by statute; or

(b) the date of the postmark on the envelope or cover indicates that the request was mailed on or before June 1.

(2) Except as provided in Subsection (3), a petition for redetermination of a deficiency must be received in the commission offices no later than 30 days from the date of a notice that creates the right to appeal. The petition is deemed to be timely if:

(a) in the case of mailed or hand-delivered documents:

(i) the petition is received in the commission offices on or before the close of business of the last day of the 30-day period; or

(ii) the date of the postmark on the envelope or cover indicates that the request was mailed on or before the last day of the 30-day period; or

(b) in the case of electronically-filed documents, the petition is received no later than midnight of the last day of the 30-day period.

(3) A petition for redetermination of a claim for refund filed in accordance with Sections 59-10-532 or 59-10-533 is deemed to be timely if:

(a) in the case of mailed or hand-delivered documents:

(i) the petition is received in the commission offices on or before the close of business of the last day of the time frame provided by statute; or

(ii) the date of the postmark on the envelope or cover indicates that the request was mailed on or before the last day of the time frame provided by statute; or

(b) in the case of electronically-filed documents, the petition is received no later than midnight of the last day of the time frame provided by statute.

(4) Any party adversely affected by an order of the commission may seek judicial review within the time frame provided by statute. Copies of the appeal shall be served upon the commission and upon the Office of the Attorney General.

KEY: developmentally disabled, grievance procedures, taxation, disclosure requirements
Date of Enactment or Last Substantive Amendment: [~~February 25~~], 2008
Notice of Continuation: March 20, 2007
Authorizing, and Implemented or Interpreted Law: 59-1-301; 59-1-501; 59-2-1007; 59-7-517; 59-10-532; 59-10-533; 59-10-535; 59-12-114; 59-13-210; [~~63-46b-3; 63-46b-14~~]63G-4-201; 63G-4-401; 68-3-7; and 68-3-8.5

♦ ♦

Tax Commission, Auditing
R865-6F-39
Definitions Related to Captive Real Estate Investment Trust and Foreign Real Estate Investment Trust Pursuant to Utah Code Ann. Section 59-7-101

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31943
FILED: 09/15/2008, 10:59

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 359 (2008) defines the terms "captive real estate investment trust" and "foreign real estate investment trust" and provides rulemaking authority for other related terms. (DAR NOTE: H.B. 359 (2008) is found at Chapter 389, Laws of Utah 2008, and was effective 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: The proposed rule defines terms related to captive real estate investment trusts and foreign real estate investment trusts.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-7-101

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any revenue impact was taken into account in H.B. 359 (2008).
❖ LOCAL GOVERNMENTS: None--Any revenue impact was taken into account in H.B. 359 (2008).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any revenue impact was taken into account in H.B. 359 (2008).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--H.B. 359 (2008) addresses the income taxation of a real estate investment trust or income from a real estate investment trust.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--Fiscal impacts were considered with H.B. 359 (2008). D'Arcy Dixon, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-6F. Franchise Tax.
R865-6F-39. Definitions Related to Captive Real Estate Investment Trust and Foreign Real Estate Investment Trust Pursuant to Utah Code Ann. Section 59-7-101.

The following definitions apply to the definitions of captive real estate investment trust and foreign real estate investment trust in Section 59-7-101.

(1) "Cash or cash equivalents" means currency and coins, bank balances, negotiable money orders, checks, and highly liquid investments that can easily be converted into cash, such as treasury bills, certificates of deposit, marketable securities, and negotiable financial instruments.

(2) "Established securities market" is defined as that phrase is defined in Treas. Reg. Section 1.884-5 (d)(2) (2007), which is adopted and incorporated by reference.

(3) "Listed Australian property trust" means:

(a) an Australian unit trust registered as a managed investment scheme under the Australian Corporations Act in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market; and

(b) an entity organized as a trust, provided that an entity listed in Subsection (3)(a) owns or controls, directly or indirectly, 75 percent or more of the voting power or value of the beneficial interests or shares of that trust.

(4) "Regularly traded" is defined as that phrase is defined in Treas. Reg. Section 1.884-5 (d)(4) (2007), which is adopted and incorporated by reference.

KEY: taxation, franchises, historic preservation, trucking industries
Date of Enactment or Last Substantive Amendment: [~~March 14~~], 2008
Notice of Continuation: March 8, 2007
Authorizing, and Implemented or Interpreted Law: 59-7-101

♦ ♦

Tax Commission, Auditing
R865-14W-1
Mineral Production Tax Withholding Pursuant to Utah Code Ann. Sections 59-6-101 through 59-6-104

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31944
FILED: 09/15/2008, 11:33

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 137 (2008) added an additional exemption to the withholding of mineral production tax. (DAR NOTE: S.B. 137 (2008) is found at Chapter 255, Laws of Utah 2008, and was effective 07/01/2008.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment reflects that statutes provide exemption from the normally required withholding of mineral production tax.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-6-101 through 59-6-104

ANTICIPATED COST OR SAVINGS TO:
- ❖ THE STATE BUDGET: None--Any revenue impact was taken into account in S.B. 137 (2008).
- ❖ LOCAL GOVERNMENTS: None--Any revenue impact was taken into account in S.B. 137 (2008).
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any revenue impact was taken into account in S.B. 137 (2008).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment reflects that statues provide exemptions from normally required withholding of mineral production tax.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--Any fiscal impacts were considered with S.B. 137 (2008). D'Arcy Dixon, Commissioner

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

TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-14W. Mineral Producers' Withholding Tax.
R865-14W-1. Mineral Production Tax Withholding Pursuant to Utah Code Ann. Sections 59-6-101 through 59-6-104.

[~~A.~~](1) Definitions.

[~~1.~~](a) "Working interest owner" means any person who is the owner of an interest in oil, gas, other hydrocarbon substances, or all other metalliferous and nonmetalliferous minerals who is burdened with a share of the expense of developing and operating the property.

[~~2.~~](b) "First purchaser" means the first person to pay for production after it is extracted from deposits in this state.

[~~3.~~](c) "Person" means any natural person, company, corporation, association, partnership, joint venture, cooperative, estate, trust, receiver, or any other party or entity that has a working interest, royalty interest, overriding royalty interest, production payment, production payment including in-kind exchanges, or any other ownership interest entitled to production proceeds from deposits in this state.

[~~4.~~](d) "Producer" as defined in Section 59-6-101 includes any non-operating working interest owner that makes payments to persons having an interest in minerals produced or extracted from deposits in this state.

[~~B.~~](2) Advance mineral production payments that relate to, refer to, or concern production are subject to the mineral production tax withholding requirements.

[~~C.~~](3) Each producer who disburses funds that are owed to any person owning a working interest, a royalty interest, overriding royalty interest, production payment or any other interest in minerals produced in this state, is subject to the withholding requirement of Section 59-6-102.

[~~D.~~](4) Withholding requirements on further distributions are as follows:

[~~1.~~](a) [~~Each~~]Unless otherwise provided by statute, each producer who disburses funds to any producer, working interest owner or any other interest owner must withhold five percent of the gross payment due if that producer or any other interest owner does not make further distributions. For producers or any other interest owners making further distributions, the procedures outlined in [~~D.2.~~]Subsection (4)(b) must be followed.

[~~2.~~](b) The working interest owner or producer who makes further distributions must be licensed to withhold on the disbursements and is responsible for remitting the tax withheld each quarter. Upon approval by the Auditing Division of the Tax Commission, a working interest owner or producer who makes further distributions of the mineral production proceeds may furnish an exemption certificate approved by the Tax Commission to the producer or first purchaser.

[~~3.~~](c) If an exemption certificate approved by the Auditing Division of the Tax Commission is not received, withholding is required.

[~~E.~~](5) If a mineral is taken in kind by an interest owner of a mineral production property, the initial withholding responsibility rests with the first purchaser who receives the mineral. A person taking a mineral under an exchange agreement with the interest owner is considered to be the first purchaser and is subject to the requirement of withholding and remitting the tax on any payments made to the interest owner.

[~~F.~~](6) Claiming credit for the tax withheld shall be accomplished as follows:

[~~1.~~](a) Credit must be claimed for the tax withheld on a Utah individual income tax return or a Utah corporation franchise tax return, with a copy of Form TC-675R attached to substantiate the amount claimed.

[~~2.~~](b) Taxpayers who are shareholders in a corporation taxed under Subchapter S of the Internal Revenue Code and are Utah residents, members of a Utah limited liability company, or members of a partnership doing business in this state must attach a copy of federal form K-1 to their Utah individual income tax return. They may claim credit for the amount shown as their percentage share of the tax withheld from Utah mineral production payments by the corporation, limited liability company, or partnership.

[~~3.~~](c) An estate or trust is entitled to credit for the tax withheld in proportion to its share of federal distributable net income. The remaining credit must be passed through to the beneficiaries in proportion to their respective shares of federal distributable net income of the estate or trust. To claim the credit, the beneficiaries must attach a copy of federal form K-1 to their Utah individual income tax return and claim credit for the amount shown by the fiduciary as their percentage share of the tax withheld from Utah mineral production payments.

[~~4.~~](d) A corporation or individual taxpayer filing on a fiscal year ending other than December 31, must claim a credit for the withholding tax shown on Form TC-675R on the corporation franchise or individual income tax return required to be filed during the year following the December closing period of the Form TC-675R.

[~~G.~~](7) The return prescribed by the Tax Commission for reporting the information specified in Section 59-6-103 may be obtained from the Tax Commission. These forms are to be completed and filed in accordance with instructions provided by the Tax Commission. They are as follows:

[~~1.~~](a) Form TC-96Q, Utah Employer's Quarterly Income Withholding Return, must be filed quarterly. Negative payments may not be reported on Form TC-96Q. Utah Employer's Amended Income Withholding Return, TC-96A, must be filed in cases where tax was withheld in error and adjustments to the current period create negative amounts. Adjustments are not allowed between calendar years. All adjustments on quarterly returns must be for the current calendar year. Amended returns must be filed for prior years adjustments.

[~~2.~~](b) Form TC-96R, Utah Employer's Mineral Production Withholding Reconciliation Return must be filed annually with a copy of each Form TC-675R attached.

[~~3.~~](c) Form TC-96A, Utah Amended Mineral Production Withholding Return, must be filed when adjustments are not for the current calendar year or when adjustments in the current calendar year would create negative amounts.

[~~4.~~](d) Form TC-675R, Statement of Utah Tax Withheld on Mineral Production shall be furnished to each person who is entitled to credit for taxes withheld each calendar year. If a working interest owner or royalty owner receives payments on more than one well or property from the same producer, the production payment amount and mineral production withholding tax amount may be grouped on Form TC-675R. Negative payments will not be accepted on Form TC-675R.

[~~H.~~](8) If the producer, operator, or first purchaser fails to withhold the tax required under Section 59-6-102, and thereafter, the income subject to withholding is reported, and the resulting tax is paid by the recipient, any tax required to be withheld shall not be collected from the producer, operator, or first purchaser. However, the producer, operator, or first purchaser shall remain subject to penalties and interest on the total amount of taxes that should have been withheld.

KEY: taxation, mineral resources, withholding tax
Date of Enactment or Last Substantive Amendment: [~~November 19, 1996~~]2008
Notice of Continuation: March 19, 2007
Authorizing, and Implemented or Interpreted Law: 59-6-101 through 59-6-104

♦ ♦

Transportation, Preconstruction
R930-3
Highway Noise Abatement

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31925
FILED: 09/03/2008, 15:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is designed to allow the Utah Department of Transportation (UDOT) to address highway noise impacts and to determine the conditions under which noise abatement may be approved.

SUMMARY OF THE RULE OR CHANGE: The changes address how UDOT determines where noise abatement walls will be placed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-6-111

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: No cost or savings are anticipated with this rule. No new requirements were created with this rule that impact the state budget. Any UDOT and/or Transportation Commission responsibilities will be administered by existing staff within existing budget.
❖ LOCAL GOVERNMENTS: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change that impact local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses or persons other than businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed changes to Rule R930-3 do not result in cost impacts to individuals, businesses, private organizations or other stakeholders because the proposed changes to the rule modify UDOT's noise impact criteria, clarify when noise abatement is considered, and describe how public balloting for noise walls will be accomplished. Therefore, there are no cost impacts to stakeholders.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no substantial fiscal impacts on businesses. John Njord, Executive Director

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

TRANSPORTATION
PRECONSTRUCTION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: John R. Njord, Executive Director

R930. Transportation, Preconstruction.
R930-3. Highway Noise Abatement.
R930-3-0. Purpose.

The following is consistent with the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise, 23 CFR 772, which is hereby adopted and incorporated by reference, and in accordance with Utah Code Ann. Section 72-6-111[~~except that noise abatement in the form of noise barriers will only be considered for Interstate highways and Limited Access facilities~~]. This rule is designed to allow UDOT to address highway noise impacts and to determine the conditions under which noise abatement may be approved.

R930-3-1. Definitions.

(1) "Existing Noise Level" means the noise level, Leq, resulting from the natural and mechanical sources and human activity, considered to be usually present in a particular area.

(2) "Design Noise Level" means the noise level, Leq, calculated for the worst traffic noise conditions likely to occur on a regular basis [~~during the future design year,~~]using a method approved by FHWA.

(3) "Type I Project" means a highway construction project that is related to an increase in traffic noise - construction of a highway on new location or the physical alteration of an existing highway which [~~significantly~~]substantially changes the alignment or increases the number of through-traffic lanes.

(4) "Type II Project" means a proposed highway project strictly for noise abatement on an existing highway.

(5) "UDOT" means Utah Department of Transportation.

(6) "FHWA" means Federal Highway Administration.

(7) "dBA" means decibels of sound expressed or measured using the "A" weighting scale of a sound-pressure level meter.

(8) "AASHTO" means American Association of State Highway and Transportation Officials.

R930-3-2. Applicability.

(1) Type I Projects. Noise abatement shall be considered for Type I projects [~~that are on Interstate or Limited Access Highways~~]where noise impacts are identified. A new or proposed subdivision or other development must have a recorded plat or[~~obtained~~] a formal building permit [~~from the appropriate local government agency for final plans for development~~]before the issuance of the final environmental decision document.

(2) Type II Projects. UDOT does not provide a noise retrofit (Type II) program to construct noise abatement measures along existing state transportation facilities.

R930-3-5. Noise Abatement Conditions.

In order to be considered for noise abatement, all of the following conditions must be met, if applicable:

(1) A noise abatement device shall not be installed where it will create a hazard or violate design standards. Specifically, noise abatement walls shall not be added within the highway clear zone as defined in the AASHTO Roadside Design Guide, unless a safety barrier already exists.

(2) At least five dBA of noise reduction must be achievable at typical impacted receivers nearest the highway.

(3) Residential Areas (Category B, Table 1):

(a) For residential areas, benefited receivers must be considered in determining a noise barrier's cost per receiver regardless of whether or not they were identified as impacted. A benefited receiver is any impacted or non-impacted receiver that gets a noise reduction of 5 dBA or more as a result of the noise barrier. The maximum cost used to determine reasonableness to provide noise abatement is listed in the Noise Abatement Procedures.[~~will be $25,000 per benefited receiver.~~] This cost may be periodically reviewed by the Department for reasonableness and updating, as needed.

(b) In the event that the noise barrier cost effectiveness criteria listed in the Noise Abatement Procedures is exceeded,[~~is greater than $25,000 per receiver,~~] the cost will be considered to be reasonable only if it can be demonstrated that a "severe" noise impact will occur. Severe traffic noise impacts are defined as traffic noise levels by 30 dBA or more, or results in absolute exterior nose levels of 80 dBA or greater. Based on severity, abatement will be considered on a case-by-case basis.

(c) For non-residential areas (Category A, B, or C, Table 1): The cost of noise abatement measures for schools, parks, churches and other non-residential developments including commercial and industrial areas will depend on height of noise wall required and corresponding

length of frontage this type of development has exposed to the transportation facility. In any case, a reasonable cost for mitigation for noise abatement will not exceed the cost effectiveness criteria listed in the Noise Abatement Procedures.[~~$200 per linear foot of wall (for a 10-foot high wall) installed. The cost may be be periodically reviewed for reasonableness and updating, as needed.~~]

R930-3-8. Public Involvement.

(1) Department representatives shall contact the local government agency and impacted residents. This shall be done prior to completion of final design activities.[~~the final environmental decision document.~~] The concerns of the impacted residents and local government agency shall be a major consideration in reaching a decision on the abatement measures to be provided.

(2) Noise abatement may not be planned after local government agency and impacted residents' involvement if the majority of them are in opposition or indifferent to noise mitigation.

(3) Balloting Process for Noise Abatement Measures

(a) As part of the final design phase of projects, the Department needs to know if residents/land owners are in favor of noise abatement measures. This public input along with other information including; local ordinances, the amount of noise reduction achieved, engineering considerations, cost and views of the impacted and benefited residents will be considered together to come to a decision on whether or not to construct noise abatement. This process involves sending ballots to residents/land owners so they can indicate their preference for or against noise abatement measures.

(b) Ballots sent by mail are deemed by the Department as "due Diligence" in notifying the affected residents of possible noise mitigation measures in their area. One ballot will be sent by regular mail to each resident/land owner of record and each will be given a deadline as to when the ballots need to be returned for counting. If ballots sent to the residents/land owners are not returned by the deadline, a second ballot will be sent by registered mail, to those who have not returned a ballot.

Noise abatement will only be recommended if 75 percent of the following groups of residents/land owners vote, through balloting, in favor the abatement:

Front row (adjacent) receivers,

Receivers that would be impacted by the project and benefited by noise abatement.

(c) The denominator used to calculate this percentage will equal the total number of completed ballots returned. At least 50 percent of the total number of completed ballots must be returned to adequately assess if noise abatement measures are desired by residents/land owners. If less than 50 percent of completed ballots are returned, then noise abatement measures will not be considered reasonable.

R930-3-9. Coordination with Local Officials.

The Department shall coordinate in the local government review process with regard to aesthetics, height, and other design features of the proposed noise abatement measure. Effective control of highway traffic noise requires land uses near highways to be controlled, but land use planning and control belong to local government jurisdiction. UDOT shall, upon request, assist local agencies by giving information that shall help them to be aware of incompatible land uses near state highways.

Local governments may have ordinances in place that restrict the height of fences and walls along property lines. In addition, there is an increased potential for conflicts between noise barriers and overhead utilities in urban areas. As such, proposed noise barriers on non-limited access roadways in urban areas will not exceed 8 feet in height.

R930-3-10. Local Government Participation.

In instances where noise abatement has already been deemed feasible and reasonable, a third party such as a local municipality, may contribute funds to make functional or aesthetic enhancements to a noise abatement feature.[~~In instances where abatement costs would exceed a limit in paragraph R930-3-5(3), the local government agency may be offered the option to share in the cost of abatement. In order for the Department to participate in shared abatement costs, the following conditions must be met:~~

~~(1) The Department's share of the cost shall not exceed the limits in paragraph R930-3-5(3). The participating local government agency shall pay the Department an amount equal to the estimated cost of the abatement measure and appurtenances proposed that exceeds the limits in paragraph R930-3-5(3). The settlement agreement shall be signed before design begins. Payment shall be made to the Department before construction begins.~~

~~(2) The participating local government agency's final share shall be based on actual construction costs.~~]

R930-3-12. Construction Off Right-of-Way.

Normally, noise barriers (walls or berms) built pursuant to this policy shall be constructed within Department right-of-way and owned and maintained by the Department. There are cases in which Department right-of-way is not the most prudent location for noise barriers, yet noise abatement can be very feasible and reasonable if built on adjacent property or adjacent public right-of-way. In these cases:

(1) The Department's cost is limited to normal cost for abatement on Department right-of-way.

(2) In no case shall the Department construct a noise barrier unless the adjacent property owners allow access and easements as necessary in order to construct and maintain the barrier.

(3) Maintenance of noise walls and associated landscaping on the side facing the highway shall normally be the Department's responsibility. The opposite side shall be maintained by the property owner.

(4) When landscaping is included off the Department right-of-way, the Department and landowner shall sign an irrigation agreement. The Department shall not pay for irrigation off the right-of-way.

TABLE I - UDOT NOISE ABATEMENT CRITERIA (NAC)

Land Use Activity Category	Leq(h), dba*	Description of Activity Category
A	5[~~5~~]6 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	6[~~5~~]6 (Exterior)	Picnic areas, fixed recreation areas, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.

C	7[~~0~~]1 (Exterior)	Cemeteries, commercial areas, industrial areas, exterior office buildings, and other developed lands, properties or activities not included in Categories A or B above.
D	No limit	Undeveloped lands.
E	5[~~2~~]1 (Interior)	Motels, hotels, public meeting rooms, schools churches, libraries, hospitals, and auditoriums. (The interior criterion only applies when there are no exterior activities affected by traffic noise.)

* Hourly A-weighed sound level in Decibels, Reflecting a zdBA "Approach" Value Below 23 CFR 772

KEY: transportation, barrier, traffic noise abatement, highways
Date of Enactment or Last Substantive Amendment: [~~October 18, 2006~~]2008
Notice of Continuation: November 29, 2006
Authorizing, and Implemented or Interpreted Law: 72-1-201; 72-7-101

♦ ♦

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [~~example~~]). A row of dots in the text between paragraphs (· · · · ·) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends October 31, 2008. At its option, the agency may hold public hearings.

From the end of the waiting period through January 29, 2009, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303; and Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing
R156-63a
Security Personnel Licensing Act Contract Security Rule

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 31700
Filed: 09/11/2008, 07:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After a public hearing and further Division and Board review, a change is being made in Section R156-63a-606 with respect to security badges.

SUMMARY OF THE RULE OR CHANGE: In Section R156-63a-606 with respect to security badges, the requirement that a security badge contain the name of the contract security company and a number is being deleted. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the August 1, 2008, issue of the Utah State Bulletin, on page 12. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No additional costs or savings are anticipated beyond those previously identified in the original proposed rule filing.

❖ LOCAL GOVERNMENTS: This change in proposed rule does not apply to local governments; therefore, no costs or savings are anticipated. This proposed rule only applies to licensed unarmed private security officers, armed private security officers, contract security companies, and applicants for licensure in this classifications.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This change in proposed rule only applies to licensed unarmed private security officers, armed private security officers, contract security companies, and applicants for licensure in this classifications, which some may qualify as a "small business". The Division anticipates a savings to contract security companies, which may be qualified as a small business, of approximately $60 per badge ordered for each security officer due to the fact that the name of the contact security company and a number will no longer be required. The Division is unable to determine how many badges a contract security company may order in a year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional compliance costs are anticipated as a result of this change in proposed rule beyond those previously identified in the original proposed rule filing. Only savings are anticipated to contract security companies as a result of this additional amendment as identified above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change removes a requirement regarding the badges worn by private security officers that was inadvertently entered in the last rule filing (the requirement that the badge have the name of the contract security company and a number). No fiscal impact to businesses is anticipated from this change. 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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.
R156-63a. Security Personnel Licensing Act Contract Security Rule.

. . . . . .

R156-63a-606. Operating Standards - Badges.

(1) At the contract security company's request, an unarmed or armed private security officer may, while in uniform and while on duty, wear a shield inscribed with [~~the name of the contract security company, a number and~~]the words "Security," or "Security Officer". The shield shall not contain the words "State of Utah" or the seal of the state of Utah.

(2) The use of a star badge with any number of points on a uniform, in writing, advertising, letterhead, or other written communication is prohibited.

. . . . . .

KEY: licensing, security guards, private security officers
Date of Enactment or Last Substantive Amendment: 2008
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-63-101

♦ ♦

Commerce, Occupational and Professional Licensing
R156-63b
Security Personnel Licensing Act Armored Car Rule

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 31701
Filed: 09/11/2008, 07:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of a public hearing, further review by the Division and Board and comments submitted from Hunter Finch, various changes are being made to correct inadvertent and typographical errors in the proposed rule. Also a change is being made in Section R156-63b-606 with respect to security badges.

SUMMARY OF THE RULE OR CHANGE: Throughout the rule, the term "care" has been replaced with "car" and the term "contract security" has been replaced with "armored car" where applicable. In Section R156-63b-302e, deleted that liability insurance should cover false arrest and invasion of privacy as these should not be an issue for armored car companies. In Subsection R156-63b-304(4), updated the reference to the Armored Car Industry Reciprocity Act. In Section R156-63b-606 with respect to security badges, the requirement that a security badge contain the name of the armored car company and a number is being deleted. In Section R156-63b-612, updated the title of the section. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the August 1, 2008, issue of the Utah State Bulletin, on page 19. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No additional costs or savings are anticipated beyond those previously identified in the original proposed rule filing.

❖ LOCAL GOVERNMENTS: This change in proposed rule does not apply to local governments; therefore, no costs or savings are anticipated. This change in proposed rule only applies to applicants for licensure as an armored car company or an armored car security officer.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This change in proposed rule only applies to applicants for licensure as an armored car company or an armored car security officer, which some may qualify as a "small business". The Division anticipates a savings to armored car companies, which may be qualified as a small business, of approximately $60 per badge ordered for each security officer due to the fact that the name of the armored car company and a number will no longer be required. The Division is unable to determine how many badges an armored car company may order in a year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional compliance costs are anticipated as a result of this change in proposed rule beyond those previously identified in the original proposed rule filing. Only savings are anticipated to armored car companies as a result of the additional amendments as identified above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change to proposed rule corrects clerical errors and removes requirements inadvertently entered in the original filing (insurance coverage for false arrest and invasion of privacy; badges with names of armored car company and number). No fiscal impact to businesses is anticipated from these corrections. 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 10/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.
R156-63b. Security Personnel Licensing Act Armored Car Rule.

. . . . . .

R156-63b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or this rule:

(1) "Approved basic education and training program" means basic education and training that meets the standards set forth in Sections R156-63b-602 and R156-63b-603 that is approved by the Division.

(2) "Approved basic firearms education and training program" means basic firearms education and training that meets the standards set forth in Section R156-63b-604 that is approved by the Division.

(3) "Armored car company" includes a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom he is employed.

(4) "Armored car company" does not include a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible property, currency, valuables, jewelry, food stamps, or other high value items that require secured delivery from one place to another and are owned by or under the responsibility of that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.

(5) "Authorized emergency vehicle" is as defined in Subsection 41-6a-102(3).

(6) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:

(a) a finding of guilt based on evidence presented to a judge or jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;

(e) a pending diversion agreement; or

(f) a conviction which has been reduced pursuant to Section 76-3-402.

(7) "Employee" means an individual providing services in the armored car[**e**] industry for compensation when the amount of compensation is based directly upon the armored car services provided and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.

(8) "Officer" as used in Subsection 58-63-201(1)(a) means a manager, director, or administrator of an armored car company.

(9) "Qualified continuing education" means continuing education that meets the standards set forth in Subsection R156-63b-304.

(10) "Qualifying agent" means an individual who is an officer, director, partner, proprietor or manager of an armored car company who exercises material authority in the conduct of the armored car[**e**] company's business by making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter and who is not involved in any other employment or activity which conflicts with his duties and responsibilities to ensure the licensee's performance of work regulated under this chapter does not jeopardize the public health, safety, and welfare.

(11) "Soft uniform" means a business suit or a polo-type shirt with appropriate slacks. The coat or shirt has an embroidered badge or [~~contract security~~]armored car company logo that clips onto[~~to~~] or is placed over the front pocket.

(12) "Supervised on-the-job training" means training of an armored car[**e**] security officer under the supervision of a licensed armored car security officer who has been assigned to train and develop the on-the-job trainee.

(13) "Supervision" means general supervision as defined in Section R156-1-102a(4)(c).

(13) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(1)(c), in Section R156-63b-502.

. . . . . .

R156-63b-302e. Qualification for Licensure - Liability Insurance for a [~~Contract Security~~]Armored Car Company.

In accordance with Subsections 58-1-203(1)(b) and 58-1-301(3), the insurance requirements for licensure as an armored car company in Subsection 58-63-302(1)(j)(i) are defined, clarified, or established herein.

(1) An applicant shall file with the Division a "Certificate of Insurance" providing liability insurance for the following exposures:

(a) general liability;

(b) assault and battery;

(c) personal injury;

(d) [~~false arrest;~~

~~(e)~~]libel and slander;[

~~(f) invasion of privacy;~~]

([g]e) broad form property damage;

([~~h~~]f) damage to property in the care, custody or control of the [~~contract security~~]armored car company; and

([~~i~~]g) errors and omissions.

(2) Said insurance shall provide liability limits in amounts not less than $500,000 for each incident and not less than $2,000,000 total aggregate for each annual term.

(3) The insurance carrier must be an insurer which has a certificate of authority to do business in Utah, or is an authorized surplus lines insurer in Utah, or is authorized to do business under the laws of the state in which the corporate offices of foreign corporations are located.

(4) All armored car companies shall have a current insurance certificate of coverage as defined in Subsection (1) on file at all times and available for immediate inspection by the Division during normal working hours.

(5) All armored car companies shall notify the Division immediately upon cancellation of the insurance policy, whether such cancellation was initiated by the insurance company or the insured agency.

. . . . . .

R156-63b-302g. Qualifications for Licensure - Good Moral Character - Disqualifying Convictions.

(1) In addition to those criminal convictions prohibiting licensure as set forth in Subsections 58-63-302(1)(h) and (4)(c), the following is a list of criminal convictions which may disqualify a person from obtaining or holding an armored car[**e**] security officer license, or an armored car company license:

(a) crimes against a person as defined in Title 76, Chapter 5, Part 1;

(b) theft, including retail theft, as defined in Title 76;

(c) larceny;

(d) sex offenses as defined in Title 76, Part 4;

(e) any offense involving controlled dangerous substances;
(f) fraud;
(g) extortion;
(h) treason;
(i) forgery;
(j) arson;
(k) kidnapping;
(l) perjury;
(m) conspiracy to commit any of the offenses listed herein;
(n) hijacking;
(o) burglary;
(p) escape from jail, prison, or custody;
(q) false or bogus checks;
(r) terrorist activities;
(s) desertion;
(t) pornography;
(u) two or more convictions for driving under the influence of alcohol within the last three years; and
(v) any attempt to commit any of the above offenses.

(2) Where not automatically disqualified pursuant to Subsections 58-63-302(1)(h) and (4)(c), applications for licensure or renewal of licensure in which the applicant, or in the case of an armored car company, the officers, directors, and shareholders with 5% or more of the stock of the company, has a criminal background shall be considered on a case by case basis as defined in Section R156-1-302.

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R156-63b-304. Continuing Education for Armored Car Security Officers as a Condition of Renewal.

(1) In accordance with Subsections 58-1-203(1)(g) and 58-1-308(3)(b), there is created a continuing education requirement as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armored car security officer.

(2) Armored car security officers shall complete 16 hours of continuing education every two years consisting of formal classroom education. Such education shall include:
(a) company operational procedures manual;
(b) applicable state laws and rules;
(c) ethics; and
(d) emergency techniques.

(3) In addition to the required 16 hours of continuing education, armored car security officers shall complete not less than 16 additional hours of continuing firearms education and training every two years. The continuing firearms education and training shall be completed in four-hour blocks every six months and shall not include any hours for the continuing education requirement in Subsection R156-63b-304(2). The continuing firearms education and training shall include as a minimum:

(a) live classroom instruction concerning the restrictions in the use of deadly force and firearms safety on duty, at home and on the range; and

(b) a recognized practical pistol recertification course on which the licensee achieves a minimum score of 80% using regular or low light conditions.

(4) Firearms education and training shall comply with the provisions of Title 15, USC Chapter [~~3~~]8[5], the Armored Car[~~e~~] Industry Reciprocity Act.

(5) An individual holding a current armored car security officer license in Utah who fails to complete the required four hours of continuing firearms education within the appropriate six month period will be required to complete one and one half times the number of continuing firearms education hours the licensee was deficient for the reporting period (this requirement is hereafter referred to as penalty hours). The penalty hours shall not be considered to satisfy in whole or in part any of the continuing firearms education hours required for subsequent renewal of the license.

(6) If a renewal period is shortened or lengthened to effect a change of renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

. . . . . .

R156-63b-306. Change of Qualifying Agent.

Within 60 days after a qualifying agent for a licensed armored car company ceases employment with the licensee, or for any other reason is not qualified to be the licensee's qualifier, the [~~contract security~~]armored car company shall file with the Division an application for change of qualifier on forms provided by the Division, accompanied by a fee established in accordance with Section 63J-1-303.

R156-63b-307. Exemptions from Licensure.

(1) In accordance with Subsection 58-1-307(1)(c), an applicant who has applied for licensure as an armored car security officer is exempt from licensure and may engage in practice as an armored car security officer in a supervised on-the-job training capacity, for a period of time not to exceed the earlier of 30 days or action by the Division upon the application.

(2) The Division may issue upon receipt of an application for licensure as an armored car security officer, an on-the-job training letter to the applicant, if the applicant meets the following criteria:

(a) the applicant has not been licensed as an armored car security officer, armed private security officer or unarmed private security officer in the state of Utah at least two years prior to applying for licensure;

(b) the applicant submits with his application an official criminal history re[-]port from the Bureau of Criminal Identification showing "No Criminal Record Found";

(c) the applicant has not answered "yes" to any question on the qualifying questionnaire section of the application; and

(d) the applicant has not had a license to practice an occupation or profession denied, revoked, suspended, restricted or placed on probation.

R156-63b-502. Unprofessional Conduct.

"Unprofessional conduct" includes the following:

(1) making any statement that would reasonably cause another person to believe that an armored car security officer functions as a law enforcement officer or other official of this state or any of its political subdivisions or any agency of the federal government;

(2) employing an armored car security officer by an armored car company, as an on-the-job trainee pursuant to Section R156-63b-307, who has been convicted of:
(a) a felony;
(b) a misdemeanor crime of moral turpitude; or
(c) a crime that when considered with the duties and functions of an armored car security officer by the Division and the Board indicates that the best interests of the public are not served;

(3) employing an armored car security officer by an armored car company who fails to meet the requirements of Section R156-63b-307;

(4) utilizing a vehicle whose markings, lighting, and/or signal devices imply or suggest that the vehicle is an authorized emergency vehicle as defined in Subsection 41-6a-102(3) and Section 41-6a-310 and in Title R722, Chapter 340;

(5) utilizing a vehicle with an emergency lighting system which violates the requirements of Section 41-6a-1616 of the Utah Motor Vehicle Code;

(6) wearing a uniform, insignia, or badge that would lead a reasonable person to believe that the armored car security officer is connected with a federal, state, or municipal law enforcement agency;

(7) being incompetent or negligent as an armored car security officer or by an armored car company that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(8) failing as an armored car company or its officers, directors, partners, proprietors or responsible management personnel to adequately supervise employees to the extent that the public health and safety are at risk;

(9) failing to immediately notify the Division of the cancellation of the armored car company's insurance policy;

(10) failing as an armored car company or an armored car security officer to report a criminal offense pursuant to Section R156-63b-61[~~3~~]2; and

(11) wearing an uniform, insignia, badge or displaying a license that would lead a reasonable person to believe that an individual is connected with an armored car company, when not employed as an armored car security officer by an armored car company.

R156-63b-503. Administrative Penalties.

(1) In accordance with Subsection 58-63-503, the following citation fine schedule shall apply to citations issued under Title 58, Chapter 63:

TABLE

FINE SCHEDULE

FIRST OFFENSE

Violation	[~~Contract Security~~]Armored Car	Armed or Unarmed Armored Car Company
Security Officer		
58-63-501(1)	$ 800.00	N/A
58-63-501(3)	$ 800.00	$ 500.00
SECOND OFFENSE		
58-63-501(1)	$1,600.00	$1,000.00
58-63-501(3)	$1,600.00	$1,000.00

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-63-503(3)(h)(iii).

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

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

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

. . . . . .

R156-63b-606. Operating Standards - Badges.

(1) At the armored car company's request, an armored car security officer may, while in uniform and while on duty, wear a shield inscribed with [~~the name of the armored car company, a number and~~]the words "Security," or "Security Officer". The shield shall not contain the words "State of Utah" or the seal of the state of Utah.

(2) The use of a star badge with any number of points on a uniform, in writing, advertising, letterhead, or other written communication is prohibited.

. . . . . .

R156-63b-612. Operating Standards - [~~Standards of Conduct~~]Notification of Criminal Offense.

(1) Licensee employed by an armored car company:

(a) pursuant to Title 58, Chapter 63, a licensed armored car security officer arrested, charged, or indicted for a criminal offense above the level of a Class C misdemeanor shall notify the licensee's employing armored car company within 72 hours of the arrest, charge, or indictment;

(b) within 72 hours after such notification by the employee, the employing armored car company shall notify the Division of the arrest, charge or indictment in writing; and

(c) the written notification shall include the employee's name, the name of the arresting agency, the agency case number, the date and the nature of the criminal offense.

(2) Licensee not employed by an armored car company:

(a) pursuant to Title 58, Chapter 63, a licensed armored car security officer who is not employed by an armored car company shall directly notify the Division in writing within 72 hours of any arrest, charge or indictment above the level of a Class C misdemeanor; and

(b) the written notification shall meet the requirements of Subsection (1)(c).

KEY: licensing, security guards, armored car security officers, armored car company
Date of Enactment or Last Substantive Amendment: 2008
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-63-101

♦ ♦

Environmental Quality, Air Quality
R307-110-28
Regional Haze

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 31557
Filed: 09/04/2008, 09:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to address issues that arose during the public comment period.

SUMMARY OF THE RULE OR CHANGE: Rule text change: Section R307-110-28 was amended to accurately state the adoption date of the Regional Haze State Implementation Plan (SIP) by the board. SIP text change: The reference within SIP Section XX.E.3.a(1)(a) was changed to refer to Section R307-250-2 where the term "WEB source" is defined. The SIP and rule text were modified to use a consistent terminology "early reduction bonus allocation". The milestone numbers in Table 8 were corrected to match the milestones that were developed through the regional process and are included in the model SIP. "(5-state, no smelter)" were deleted from the flow control example in provision Section XX.E.(3)(h)(2). Text was added to the end of Section XX.K.1 to clarify that the emission reductions are occurring throughout the state and will benefit all Class I areas that are impacted by emissions reductions from Utah. Clarification text was added to Section XX.D(6)(c) and (d) in response to comments received. All references to Appendix E have been replaced with Appendix B. Additional changes were made for cleanup purposes. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the July 1, 2008, issue of the Utah State Bulletin, on page 34. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 19-2-104(1)(a) and 19-2-104(3)(e)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan Section XX, Regional Haze (September 3, 2008)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact the state budget.

❖ LOCAL GOVERNMENTS: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Business: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses. Other Persons: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated with this rule change. No new requirements were created with this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Section R307-110-28 was amended to accurately state the adoption date of the Regional Haze SIP by the board. The revisions to the Regional Haze SIP address issues that arose during the public comment period. No costs or savings are anticipated with this rule change. No new requirements were created with this rule change. Rick 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:
Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on September 3, 2008, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
Date of Enactment or Last Substantive Amendment: 2008
Notice of Continuation: March 15, 2007
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

♦ ♦

Environmental Quality, Air Quality
R307-250
Western Backstop Sulfur Dioxide Trading Program

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 31559
Filed: 09/04/2008, 09:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to address issues that arose during the public comment period.

SUMMARY OF THE RULE OR CHANGE: The definition of Allowance Tracking System, Allowance Tracking System account, and Emissions Tracking Database, were removed. New definitions were added for WEB Emissions and Allowance Tracking System (WEB EATS), and WEB EATS account. All references to Allowance Tracking System, Allowance Tracking System account, and Emissions Tracking Database where replaced with WEB EATS, or WEB EATS account. Subsection R307-250-4(1)(a) was added back into the rule. Language was added to Subsection R307-250-9(6)(b) requiring a modification to the monitoring plan within 90 days of implementing any changes. Rule R307-250 was modified to use a consistent terminology "early reduction bonus allocation". Sections R307-250-6 and R307-250-9 have been modified to clarify that the threshold is 100 tons/year of SO2 as required by Section R307-250-4. All references to Appendix E have been replaces with Appendix B. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the July 1, 2008, issue of the Utah State Bulletin, on page 37. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 19-2-104(1)(a) and 19-2-104(3)(e)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact the state budget.

❖ LOCAL GOVERNMENTS: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Business: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses. Other Persons: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated with this rule change. No new requirements were created with this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The revisions to Rule R307-250 address issues that arose during the public comment period. No costs or savings are anticipated with this rule change. No new requirements were created with this rule change. Rick 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:
Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-250. Western Backstop Sulfur Dioxide Trading Program.

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R307-250-2. Definitions.

The following additional definitions apply to R307-250:

"Account Certificate of Representation" or "Certificate" means the completed and signed submission required to designate an Account Representative for a WEB source or an Account Representative for a general account. "Account Representative" means the individual who is authorized through an Account Certificate of Representation to represent owners and operators of the WEB source with regard to matters under the WEB Trading Program or, for a general account, who is authorized through an Account Certificate of Representation to represent the persons having an ownership interest in allowances in the general account with regard to matters concerning the general account.

"Actual Emissions" means total annual sulfur dioxide emissions determined in accordance with R307-250-9 or determined in accordance with the Sulfur Dioxide Milestone Inventory requirements of R307-150 for sources that are not subject to R307-250-9.

"Allocate" means to assign allowances to a WEB source in accordance with SIP Section XX.E.3.a through c.

"Allowance" means the limited authorization under the WEB Trading Program to emit one ton of sulfur dioxide during a specified control period or any control period thereafter subject to the terms and conditions for use of unused allowances as established by R307-250.

"Allowance Limitation" means the tonnage of sulfur dioxide emissions authorized by the allowances available for compliance deduction for a WEB source under R307-250-12 on the allowance transfer deadline for each control period.[

~~"Allowance Tracking System" means the system where allowances under the WEB Trading Program are recorded, held, transferred and deducted.~~

~~"Allowance Tracking System account" means an account in the allowance tracking system established for purposes of recording, holding, transferring, and deducting allowances.~~]

"Allowance Transfer Deadline" means the deadline established in R307-250-10(2) when allowance transfers must be submitted for recording in a WEB source's compliance account in order to demonstrate compliance for that control period.

"Compliance Account" means an account established in the [~~allowance tracking system~~]WEB EATS under R307-250-8(1) for the purpose of recording allowances that a WEB source might hold to demonstrate compliance with its allowance limitation.

"Compliance Certification" means a submission to the executive secretary by the Account Representative as required under R307-250-12(2) to report a WEB source's compliance or noncompliance with R307-250.

"Control Period" means the period beginning January 1 of each year and ending on December 31 of the same year, inclusive.[

~~"Emissions Tracking Database" means the central database where sulfur dioxide emissions for WEB sources as recorded and reported in accordance with R307-250 are tracked to determine compliance with allowance limitations.~~]

"Existing Source" means a stationary source that commenced operation before the Program Trigger Date.

"General Account" means an account established in the [~~allowance tracking system~~]WEB EATS under R307-250-8 for the purpose of recording allowances held by a person that are not to be used to show compliance with an allowance limitation.

"Milestone" means the maximum level of stationary source regional sulfur dioxide emissions for each year from 2003 to 2018, established according to the procedures in SIP Section XX.E.1.

"New WEB Source" means a WEB source that commenced operation on or after the program trigger date.

"New Source Set-aside" means a pool of allowances that are available for allocation to new sources in accordance with the provisions of SIP Section XX.E.3.c.

"Program trigger date" means the date that the executive secretary determines that the WEB Trading Program has been triggered in accordance with the provisions of SIP Section XX.E.1.c.

"Program trigger years" means the years shown in SIP Section XX.E.1.a, Table 3, column 3 for the applicable milestone if the WEB Trading Program is triggered as described in SIP Section XX.E.1.

"Retired source" means a WEB source that has received a retired source exemption as provided in R307-250-4(4).

"Serial number" means, when referring to allowances, the unique identification number assigned to each allowance by the Tracking Systems Administrator, in accordance with R307-250-7(2).

"SIP Section XX.E" means Section XX, Part E of the State Implementation Plan, titled "Sulfur Dioxide Milestones and Backstop Trading Program." SIP Section XX, Regional Haze, is incorporated by reference under R307-110-28.

"Special Reserve Compliance Account" means an account established in the [~~allowance tracking system~~]WEB EATS under R307-250-8(1) for the purpose of recording allowances that a WEB source might hold to demonstrate compliance with its allowance limitation for emission units that are monitored for sulfur dioxide in accordance with R307-250-9(1)(b).

"Sulfur Dioxide emitting unit" means any equipment that is located at a WEB source and that emits sulfur dioxide.

"Submit" means sent to the executive secretary or the Tracking system Administrator under the signature of the Account Representative. For purposes of determining when something is submitted, an official U.S. Postal Service postmark, or equivalent electronic time stamp, shall establish the date of submittal.

"Ton" means 2000 pounds and any fraction of a ton equaling 1000 pounds or more shall be treated as one ton and any fraction of a ton equaling less than 1000 pounds shall be treated as zero tons.

"Tracking System Administrator" or "TSA" means the person designated by the executive secretary as the administrator of the [~~allowance tracking system~~]WEB EATS[~~and the emission tracking database~~].

"WEB Source" means a stationary source that meets the applicability requirements of R307-250-4.

"WEB Trading Program" means R307-250, the Western Backstop Trading Program, triggered as a backstop in accordance with the provisions in SIP Section XX.E, if necessary, to ensure that regional sulfur dioxide emissions are reduced.

"WEB Emissions and Allowance Tracking System (WEB EATS)" means the central database where sulfur dioxide emissions for WEB sources as recorded and reported in accordance with R307-250 are tracked to determine compliance with allowance limitations, and the system where allowances under the WEB Trading Program are recorded, held, transferred and deducted.

"WEB EATS account" means an account in the WEB EATS established for purposes of recording, holding, transferring, and deducting allowances.

. . . . . .

R307-250-4. WEB Trading Program Applicability.

(1) General Applicability. R307-250 applies to any stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties and that are under the control of the same person or persons under common control, belonging to the same industrial grouping, and that are described in paragraphs (a) and (b) of this subsection. A stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

(a) All BART-eligible sources as defined in 40 CFR 51.301 that are BART-eligible due to sulfur dioxide emissions.

(b) All stationary sources that have actual sulfur dioxide emissions of 100 tons or more per year in the program trigger years or any subsequent year. The fugitive emissions of a stationary source shall not be considered in determining whether it is subject to R307-250 unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) Any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

(b) A new source that begins operation after the program trigger date and has the potential to emit 100 tons or more of sulfur dioxide per year.

(2) The executive secretary may determine on a case-by-case basis, with concurrence from the EPA Administrator, that a stationary source defined in (1)(b) above that has not previously met the applicability requirements of (1) is not subject to R307-250 if the stationary source had actual sulfur dioxide emissions of 100 tons or more in a single year and in each of the previous five years had actual sulfur dioxide emissions of less than 100 tons per year, and:

(a)(i) the emissions increase was due to a temporary emission increase that was caused by a sudden, infrequent failure of air pollution control equipment, or process equipment, or a failure to operate in a normal or usual manner, and

(ii) the stationary source has corrected the failure of air pollution equipment, process equipment, or process by the time of the executive secretary's determination; or

(b) the stationary source had to switch fuels or feedstocks on a temporary basis and as a result of an emergency situation or unique and unusual circumstances besides the cost of such fuels or feedstocks.

(3) Duration of Applicability. Except as provided for in (4) below, once a stationary source is subject to R307-250, it will remain subject to the rule every year thereafter.

(4) Retired Source Exemption.

(a) Application. Any WEB source that is permanently retired shall apply for a retired source exemption. The WEB source may be considered permanently retired only if all sulfur dioxide emitting units at the source are permanently retired. The application shall contain the following information:

(i) identification of the WEB source, including the plant name and an appropriate identification code in a format specified by the executive secretary;

(ii) name of account representative;

(iii) description of the status of the WEB source, including the date that the WEB source was permanently retired;

(iv) signed certification that the WEB source is permanently retired and will comply with the requirements of R307-250-4(4); and

(v) verification that the WEB source has a general account where any unused allowances or future allocations will be recorded.

(b) Notice. The retired source exemption becomes effective when the executive secretary notifies the WEB source that the retired source exemption has been granted.

(c) Responsibilities of Retired Sources.

(i) A retired source shall be exempt from R307-250-9 and R307-250-12, except as provided below.

(ii) A retired source shall not emit any sulfur dioxide after the date the retired source exemption is issued.

(iii) A WEB source shall submit sulfur dioxide emissions reports, as required by R307-250-9, for any time period the source was operating prior to the effective date of the retired source exemption. The retired source shall be subject to the compliance provisions of R307-250-12, including the requirement to hold allowances in the source's compliance account to cover all sulfur dioxide emissions prior to the date the source was permanently retired.

(iv) A retired source that is still in existence but no longer emitting sulfur dioxide shall, for a period of five years from the date the records are created, retain records demonstrating that the source is permanently retired for purposes of this rule.

(d) Resumption of Operations.

(i) Before resuming operation, the retired source must submit registration materials as follows:

(A) If the source is required to obtain an approval order under R307-401 or an operating permit under R307-415 prior to resuming operation, then registration information as described in R307-250-6(1) and a copy of the retired source exemption must be submitted with the notice of intent under R307-401 or the operating permit application required under R307-415;

(B) If the source does not meet the criteria of (A), then registration information as described in R307-250-6(1) and a copy of the retired source exemption must be submitted to the executive secretary at least ninety days prior to resumption of operation.

(ii) The retired source exemption shall automatically expire on the day the retired source resumes operation.

(e) Loss of Future Allowances. A WEB source that is permanently retired and that does not apply to the executive secretary for a retired source exemption within ninety days of the date that the source is permanently retired shall forfeit any unused and future allowances. The abandoned allowances shall be retired by the TSA.

R307-250-5. Account Representative for WEB Sources.

(1) Each WEB source must identify one account representative and may also identify an alternate account representative who may act on behalf of the account representative. Any representation, action, inaction or submission by the alternate account representative will be deemed to be a representation, action, inaction or submission by the account representative.

(2) Identification and Certification of an account representative.

(a) The account representative and any alternate account representative shall be appointed by an agreement that makes the representations, actions, inactions or submissions of the account representative and any alternate binding on the owners and operators of the WEB source.

(b) The account representative shall submit to the executive secretary and the TSA a signed and dated certificate that contains the following elements:

(i) identification of the WEB source by plant name and an appropriate identification code in a format specified by the executive secretary;

(ii) the name, address, e-mail (if available), telephone and facsimile number of the account representative and any alternate;

(iii) a list of owners and operators of the WEB source;

(iv) information to be part of the emission tracking system database that is established in accordance with SIP Section XX.E.3.i. The specific data elements shall be as specified by the the executive

secretary to be consistent with the data system structure, and may include basic facility information that may appear in other reports and notices submitted by the WEB source, such as county location, industrial classification codes, and similar general facility information.

(v) The following certification statement: "I certify that I was selected as the account representative or alternate account representative, as applicable, by an agreement binding on the owners and operators of the WEB source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the WEB Trading Program on behalf of the owners and operators of the WEB source and that the owner and operator each shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the executive secretary regarding the WEB Trading Program."

(c) Upon receipt by the executive secretary of the complete certificate, the account representative and any alternate account representative represents and, by his or her representations, actions, inactions, or submissions, legally binds each owner and operator of the WEB source in all matters pertaining to the WEB Trading Program. Each owner and operator shall be bound by any decision or order issued by the executive secretary regarding the WEB Trading Program.

(d) No [~~WEB allowance tracking system~~]WEB EATS account shall be established for the WEB source until the TSA has received a complete Certificate. Once the account is established, all submissions concerning the account, including the deduction or transfer of allowances, shall be made by the account representative.

(3) Responsibilities.

(a) The responsibilities of the account representative include, but are not limited to, the transferring of allowances and the submission of monitoring plans, registrations, certification applications, sulfur dioxide emissions data and compliance reports as required by R307-250, and representing the source in all matters pertaining to the WEB Trading Program.

(b) Each submission under this program shall be signed and certified by the account representative for the WEB source. Each submission shall include the following truth and accuracy certification statement by the account representative: "I am authorized to make this submission on behalf of the owners and operators of the WEB source for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(4) Changing the Account Representative or Owners and Operators.

(a) Changing the Account Representative or the alternate Account Representative. The account representative or alternate account representative may be changed at any time by sending a complete superseding certificate to the executive secretary and the TSA under R307-250-5(2). The change will be effective upon receipt of such certificate by the TSA. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representative or alternate prior to the time and date when the TSA receives the superseding certificate shall be binding on the new account representative and the owners and operators of the WEB source.

(b) Changes in Owner and Operator.

(i) Within thirty days of any change in the owners and operators of the WEB source, including the addition of a new owner or operator, the account representative shall submit a revised certificate amending the list of owners and operators to include such change.

(ii) In the event a new owner or operator of a WEB source is not included in the list of owners and operators submitted in the certificate, such new owner or operator shall be deemed to be subject to and bound by the certificate, the representations, actions, inactions, and submissions of the account representative of the WEB source, and the decisions, orders, actions, and inactions of the executive secretary as if the new owner or operator were included in the list.

R307-250-6. Registration.

(1) Deadlines.

(a) Each source that is a WEB source on or before the program trigger date shall register by submitting the initial certificate required in R307-250-5(2) to the executive secretary no later than 180 days after the program trigger date.

(b) Any existing source that becomes a WEB source after the program trigger date shall register by submitting the initial certificate required in R307-250-5(2) to the executive secretary no later than September 30 of the year following the inventory year in which the source exceeded the 100 tons sulfur dioxide emission threshold in R307-250-4(b).

(c) Any new WEB source shall register by submitting the initial certificate required in R307-250-5(2) to the executive secretary prior to commencing operation.

(2) Any allocation, transfer or deduction of allowances to or from the source's compliance account shall not require a revision of the WEB source's operating permit under R307-415.

R307-250-7. Allowance Allocations.

(1) The TSA will record the allowances for each WEB source in the source's compliance account once the allowances are allocated by the executive secretary under SIP Section XX.E.3.a through c. If applicable, the TSA will record a portion of the sulfur dioxide allowances for a WEB source in a special reserve compliance account to account for any allowances to be held by the source that conducts monitoring in accordance with R307-250-9(1)(b).

(2) The TSA will assign a serial number to each allowance in accordance with SIP Section XX.E.3.f.

(3) All allowances shall be allocated, recorded, transferred, or used as whole allowances. To determine the number of whole allowances, the number of allowances shall be rounded down for decimals less than 0.50 and rounded up for decimals of 0.50 or greater.

(4) An allowance is not a property right, and is a limited authorization to emit one ton of sulfur dioxide valid only for the purpose of meeting the requirements of R307-250. No provision of the WEB Trading Program or other law should be construed to limit the authority of the executive secretary to terminate or limit such authorization.

(5) Early Reduction Bonus Allocation. Any non-utility WEB source that installs new control technology and that reduces its permitted annual sulfur dioxide emissions to a level that is below the floor level allocation established for that source in SIP Section XX.E.3.a(1)(b)(i) or any utility that reduces its permitted annual sulfur dioxide emissions to a level that is below best available control technology may apply to the executive secretary for an early reduction bonus allocation. The bonus allocation shall be available for reductions that occur between 2003 and the program trigger year. The application must be submitted no later than 90 days after the program trigger date.

Any WEB source that applies and receives early reduction bonus allocations must retain the records referenced in this section for a minimum of five years after the early reduction bonus allowance is certified in accordance with SIP Section XX.E.3.a(1)(c). The application for an early reduction bonus allocation must contain the following information:

(a) copies of all approval orders, operating permits or other enforceable documents that include annual sulfur dioxide emissions limits for the WEB source during the period the WEB source qualifies for an early reduction credit. Approval orders, permits, or enforceable documents must contain monitoring requirements for sulfur dioxide emissions that meet the specifications in R307-250-9(1)(a).

(b) demonstration that the floor level established for the source in SIP Section XX.E.3.a(1)(b)(i) for non-utilities or best available control technology for utilities was calculated using data that are consistent with monitoring methods specified in R307-250-9(1)(a). If needed, the demonstration shall include a new floor level calculation that is consistent with the monitoring methodology in R307-250-9.

(6) Request for Allowances for New WEB Sources or Modified WEB Sources.

(a) A new WEB source may apply to the executive secretary for an allocation from the new source set-aside, as outlined in SIP Section XX.E.3.c. A new WEB source is eligible for an annual floor allocation equal to the lower of the permitted annual sulfur dioxide emission limit for that source, or sulfur dioxide annual emissions calculated based on a level of control equivalent to best available control technology (BACT) and assuming 100 percent utilization of the WEB source, beginning with the first full calendar year of operation.

(b) An existing WEB source that has increased production capacity through a new approval order issued under R307-401 may apply to the executive secretary for an allocation from the new source set-aside, as outlined in SIP Section XX.E.3.c. An existing WEB source is eligible for an annual allocation equal to:

(i) the permitted annual sulfur dioxide emission limit for a new unit; or

(ii) the permitted annual sulfur dioxide emission increase for the WEB source due to the replacement of an existing unit with a new unit or the modification of an existing unit that increased production capacity of the WEB source.

(c) A source that has received a retired source exemption under R307-250-4(4) is not eligible for an allocation from the new source set-aside.

(d) The application for an allocation from the new source set-aside must contain the following:

(i) for a new WEB source or a new unit under R307-250-7(6)(b)(i), documentation of the actual date of the commencement of operation and a copy of the approval order issued under R307-401;

(ii) for an existing WEB source under R307-250-7(6)(b)(ii), documentation of the production capacity of the source before and after the new permit.

R307-250-8. Establishment of Accounts.

(1) [~~Allowance Tracking System Accounts~~]WEB EATS. All WEB sources are required to open a compliance account. Any person may open a general account for the purpose of holding and transferring allowances. In addition, if a WEB source conducts monitoring under R307-250-9(1)(b), the WEB source shall open a special reserve compliance account for allowances associated with units monitored under those provisions. To open any type of account, an application that contains the following information must be submitted to the TSA:

(a) the name, mailing address, e-mail address, telephone number, and facsimile number of the account representative. For a compliance account, the application shall include a copy of the certificatefor the account representative and any alternate as required in R307-250-5(2)(b). For a general account, the application shall include the certificate for the account representative and any alternate as required in (3)(b) below.

(b) the WEB source or organization name;

(c) the type of account to be opened;

(d) identification of the specific units that are being monitored under R307-250-9(1)(b) and that must demonstrate compliance with the allowance limitation in the special reserve compliance account; and

(e) a signed certification of truth and accuracy by the account representative according to R307-250-5(3)(b) for compliance accounts and for general accounts, certification of truth and accuracy by the account representative according to (4) below.

(2) Account Representative for General Accounts. For a general account, one account representative must be identified and an alternate account representative may be identified and may act on behalf of the account representative. Any representation, action, inaction or submission by the alternate account representative will be deemed to be a representation, action, inaction or submission by the account representative.

(3) Identification and Certification of an Account Representative for General Accounts.

(a) The account representative shall be appointed by an agreement that makes the representations, actions, inactions or submissions of the account representative binding on all persons who have an ownership interest with respect to allowances held in the general account.

(b) The account representative shall submit to the TSA a signed and dated certificate that contains the following elements:

(i) the name, address, e-mail (if available), telephone and facsimile number of the account representative and any alternate;

(ii) the organization name, if applicable;

(iii) the following certification statement: "I certify that I was selected as the account representative or alternate account representative, as applicable, by an agreement binding on all persons who have an ownership interest in allowances in the general account with regard to matters concerning the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the WEB Trading Program on behalf of said persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions."

(c) Upon receipt by the TSA of the complete certificate, the account representative represents and, by his or her representations, actions, inactions, or submissions, legally binds each person who has an ownership interest in allowances held in the general account with regard to all matters concerning the general account. Such persons shall be bound by any decision or order issued by the executive secretary.

(d) A [~~WEB Allowance Tracking System~~]WEB EATS general account shall not be established until the TSA has received a complete certificate. Once the account is established, the account representative shall make all submissions concerning the account, including the deduction or transfer of allowances.

(4) Requirements and Responsibilities for General Accounts. Each submission for the general account shall be signed and certified by the account representative for the general account. Each submission shall include the following truth and accuracy certification statement by the account representative: "I am authorized to make this submission

on behalf of all person who have an ownership interest in allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(5) Changing the Account Representative for General Accounts. The account representative or alternate account representative may be changed at any time by sending a complete superseding certificate to the executive secretary and the TSA under (3)(b) above. The change will take effect upon the receipt of the certificate by the TSA. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representative or alternate prior to the time and date when the TSA receives the superseding certificate shall be binding on the new account representative and all persons having ownership interest with respect to allowances held in the general account.

(6) Changes to the Account. Any change to the information required in the application for an existing account under (1) above shall require a revision of the application.

R307-250-9. Monitoring, Recordkeeping and Reporting.

(1) General Requirements on Monitoring Methods.

(a) For each sulfur dioxide emitting unit at a WEB source the WEB source shall comply with the following, as applicable, to monitor and record sulfur dioxide mass emissions.

(i) If a unit is subject to 40 CFR Part 75 under a requirement separate from the WEB Trading Program, the unit shall meet the requirements contained in Part 75 with respect to monitoring, recording and reporting sulfur dioxide mass emissions.

(ii) If a unit is not subject to 40 CFR Part 75 under a requirement separate from the WEB Trading Program, a unit shall use one of the following monitoring methods, as applicable:

(A) a continuous emission monitoring system (CEMS) for sulfur dioxide and flow that complies with all applicable monitoring provisions in 40 CFR Part 75;

(B) if the unit is a gas- or oil-fired combustion device, the excepted monitoring methodology in Appendix D to 40 CFR Part 75, or, if applicable, the low mass emissions (LME) provisions (with respect to sulfur dioxide mass emissions only) of 40 CFR 75.19;

(C) one of the optional WEB protocols, if applicable, in Appendix B[~~E~~] of State Implementation Plan Section XX, Regional Haze; or

(D) a petition for site-specific monitoring that the source submits for approval by the executive secretary and approval by the U.S. Environmental Protection Agency in accordance with R307-250-9(9).

(iii) A permanently retired unit shall not be required to monitor under this section if such unit was permanently retired and had no emissions for the entire control period and the account representative certifies in accordance with R307-250-12(2) that these conditions were met.

(b) Notwithstanding (a) above, a WEB source with a unit that meets one of the conditions of (i) below may submit a request to the executive secretary to have the provisions of this subsection (b) apply to that unit.

(i) Any of the following units may implement this subsection (b):

(A) any smelting operation where all of the emissions from the operation are not ducted to a stack; or

(B) any flare, except to the extent such flares are used as a fuel gas combustion device at a petroleum refinery; or

(C) any other type of unit without add-on sulfur dioxide control equipment, if the unit belongs to one of the following source categories: cement kilns, pulp and paper recovery furnaces, lime kilns, or glass manufacturing.

(ii) For each unit covered by this subsection (b), the account representative shall submit a notice to request that this subsection (b) apply to one or more sulfur dioxide emitting units at a WEB source. The notice shall be submitted in accordance with the deadlines specified in R307-250-9(6)(a), and shall include the following information (in a format specified by the executive secretary with such additional, related information as may be requested):

(A) a list of all units at the WEB source that identifies the units that are to be covered by this subsection (b);

(B) an identification of any such units that are permanently retired.

(iii) For each new unit at an existing WEB source for which the WEB source seeks to comply with this subsection (b) and for which the account representative applies for an allocation under the new source set-aside provisions of R307-250-7(6), the account representative shall submit a modified notice under (ii) above that includes such new sulfur dioxide emitting units. The modified request shall be submitted in accordance with the deadlines in R307-250-9(6)(a), but no later than the date on which a request is submitted under R307-250-7(6) for allocations from the set-aside.

(iv) The account representative for a WEB source shall submit an annual emissions statement for each unit under this subsection (b) pursuant to R307-250-9(8). The WEB source shall maintain operating records sufficient to estimate annual sulfur dioxide emissions in a manner consistent with the emission inventory submitted by the source for calendar year [~~1998~~]2006. In addition, if the estimated emissions from all such units at the WEB source are greater than the allowances for the current control year held in the special reserve compliance account for the WEB source, the account representative shall report the extra amount as part of the annual report for the WEB source under R307-250-12 and shall obtain and transfer allowances into the special reserve compliance account to account for such emissions.

(v) R307-250-9(2) - (10) shall not apply to units covered by this paragraph except where otherwise noted.

(vi) A WEB source may opt to modify the monitoring for a sulfur dioxide emitting unit to use monitoring under (a) above, but any such monitoring change must take effect on January 1 of the next compliance year. In addition, the account representative must submit an initial monitoring plan at least 180 days prior to the date on which the new monitoring will take effect and a detailed monitoring plan in accordance with (2) below. The account representative shall also submit a revised notice under R307-250-9(1)(b)(ii) at the same time that the initial monitoring plan is submitted.

(c) For any monitoring method that the WEB source uses under R307-250-9 including (b) above, the WEB source shall install, certify, and operate the equipment in accordance with this section, and record and report the data from the method as required in this section. In addition, the WEB source may not:

(i) except for an alternative approved by the EPA Administrator for a WEB source that implements monitoring under (a) above, use an alternative monitoring system, alternative reference method or another alternative for the required monitoring method without having obtained prior written approval in accordance with (9) below;

(ii) operate a sulfur dioxide emitting unit so as to discharge, or allow to be discharged, sulfur dioxide emissions to the atmosphere without accounting for these emissions in accordance with the applicable provisions of this section;

(iii) disrupt the approved monitoring method or any portion thereof, and thereby avoid monitoring and recording sulfur dioxide mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing or maintenance is performed in accordance with the applicable provisions of this section; or

(iv) retire or permanently discontinue use of an approved monitoring method, except under one of the following circumstances:

(A) during a period when the unit is exempt from the requirements of this Section, including retirement of a unit as addressed in (a)(iii) above;

(B) the WEB source is monitoring emissions from the unit with another certified monitoring method approved under this Section for use at the unit that provides data for the same parameter as the retired or discontinued monitoring method; or

(C) the account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with this Section, and the WEB source recertifies thereafter a replacement monitoring system in accordance with the applicable provisions of this Section.

(2) Monitoring Plan.

(a) General Provisions. A WEB source with a sulfur dioxide emitting unit that uses a monitoring method under (1)(a)(ii) above shall meet the following requirements.

(i) Prepare and submit to the executive secretary an initial monitoring plan for each monitoring method that the WEB source uses to comply with this Section. In accordance with (c) below, the plan shall contain sufficient information on the units involved, the applicable method, and the use of data derived from that method to demonstrate that all unit sulfur dioxide emissions are monitored and reported. The plan shall be submitted in accordance with the deadlines specified in (6) below.

(ii) Prepare, maintain and submit to the executive secretary a detailed monitoring plan in accordance with the deadlines specified in (6) below. The plan will contain the applicable information required by (d) below. The executive secretary may require that the monitoring plan or portions of it be submitted electronically. The executive secretary may also require that the plan be submitted on an ongoing basis in electronic format as part of the quarterly report submitted under (8)(a) below or resubmitted separately within 30 days after any change is made to the plan in accordance with (iii) below.

(iii) Whenever a WEB source makes a replacement, modification, or change in one of the systems or methodologies provided for in (1)(a)(ii) above, including a change in the automated data acquisition and handling system or in the flue gas handling system, that affects information reported in the monitoring plan, such as a change to serial number for a component of a monitoring system, then the WEB source shall update the monitoring plan.

(b) A WEB source with a sulfur dioxide emitting unit that uses a method under (1)(a)(i) above shall meet the requirements of [~~(a) (f)~~]this subsection (2) by preparing, maintaining and submitting a monitoring plan in accordance with the requirements of 40 CFR Part 75. If requested, the WEB source also shall submit the entire monitoring plan to the executive secretary.

(c) Initial Monitoring Plan. The account representative shall submit an initial monitoring plan for each sulfur dioxide emitting unit or group of units sharing a common methodology that, except as otherwise specified in an applicable provision in Appendix B[~~E~~] of State Implementation Plan Section XX, contains the following information:

(i) For all sulfur dioxide emitting units:

(A) plant name and location;

(B) plant and unit identification numbers assigned by the executive secretary;

(C) type of unit, or units for a group of units using a common monitoring methodology;

(D) identification of all stacks or pipes associated with the monitoring plan;

(E) types of fuels fired or sulfur containing process materials used in the sulfur dioxide emitting unit, and the fuel classification of the unit if combusting more than one type of fuel and using a 40 CFR Part 75 methodology;

(F) types of emissions controls for sulfur dioxide installed or to be installed, including specifications of whether such controls are pre-combustion, post-combustion, or integral to the combustion process;

(G) maximum hourly heat input capacity, or process throughput capacity, if applicable;

(H) identification of all units using a common stack; and

(I) indicator of whether any stack identified in the plan is a bypass stack.

(ii) For each unit and parameter required to be monitored, identification of monitoring methodology information, consisting of monitoring methodology, monitor locations, substitute data approach for the methodology, and general identification of quality assurance procedures. If the proposed methodology is a specific methodology submitted pursuant to (1)(a)(ii)(D) above, the description under this paragraph shall describe fully all aspects of the monitoring equipment, installation locations, operating characteristics, certification testing, ongoing quality assurance and maintenance procedures, and substitute data procedures.

(iii) If a WEB source intends to petition for a change to any specific monitoring requirement otherwise required under this Section, such petition may be submitted as part of the initial monitoring plan.

(iv) The executive secretary may issue a notice of approval or disapproval of the initial monitoring plan based on the compliance of the proposed methodology with the requirements for monitoring in this Section.

(d) Detailed Monitoring Plan. The account representative shall submit a detailed monitoring plan that, except as otherwise specified in an applicable provision in Appendix C of State Implementation Plan Section XX, the Regional Haze SIP, shall contain the following information:

(i) Identification and description of each monitoring component (including each monitor and its identifiable components, such as analyzer or probe) in a continuous emissions monitoring system (e.g., sulfur dioxide pollutant concentration monitor, flow monitor, moisture monitor), a 40 CFR Part 75, Appendix D monitoring system (e.g., fuel flowmeter, data acquisition and handling system), or a protocol in Appendix B of SIP Section XX, including:

(A) manufacturer, model number and serial number;

(B) component and system identification code assigned by the facility to each identifiable monitoring component, such as the analyzer and/or probe;

(C) designation of the component type and method of sample acquisition or operation such as in situ pollutant concentration monitor or thermal flow monitor;

(D) designation of the system as a primary or backup system;

(E) first and last dates the system reported data;

(F) status of the monitoring component; and

(G) parameter monitored.

(ii) Identification and description of all major hardware and software components of the automated data acquisition and handling system, including:

(A) hardware components that perform emission calculations or store data for quarterly reporting purposes, including the manufacturer and model number; and

(B) identification of the provider and model or version number of the software components.

(iii) Explicit formulas for each measured emissions parameter, using component or system identification codes for the monitoring system used to measure the parameter that links the system observations with the reported concentrations and mass emissions. The formulas must contain all constants and factors required to derive mass emissions from component or system code observations and an indication of whether the formula is being added, corrected, deleted, or is unchanged. The WEB source with a low mass emissions unit for which the WEB source is using the optional low mass emissions excepted methodology in 40 CFR Part 75.19(c) is not required to report such formulas.

(iv) For units with flow monitors only, the inside cross-sectional area in square feet at the flow monitoring location.

(v) If using CEMS for sulfur dioxide and flow, for each parameter monitored, include the scale, maximum potential concentration and method of calculation, maximum expected concentration, if applicable, and method of calculation, maximum potential flow rate and method of calculations, span value, full-scale range, daily calibration units of measure, span effective date and hour, span inactivation date and hour, indication of whether dual spans are required, default high range value, flow rate span, and flow rate span value and full scale value in standard cubic feet per hour for each unit or stack using sulfur dioxide or flow component monitors.

(vi) If the monitoring system or excepted methodology provides for use of a constant, assumed, or default value for a parameter under specific circumstances, then include the following information for each value of such parameter:

(A) identification of the parameter;

(B) default, maximum, minimum, or constant value, and units of measure for the value;

(C) purpose of the value;

(D) indicator of use during controlled and uncontrolled hours;

(E) types of fuel;

(F) source of the value;

(G) value effective date and hour;

(H) date and hour value is no longer effective, if applicable; and

(I) for units using the excepted methodology under 40 CFR 75.19, the applicable sulfur dioxide emission factor.

(vii) Unless otherwise specified in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, for each unit or common stack on which continuous emissions monitoring system hardware are installed:

(A) the upper and lower boundaries of the range of operation as defined in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, or thousands of pounds per hour (lb/hr) of steam, or feet per second (ft/sec), as applicable;

(B) the load or operating level(s) designated as normal in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, or thousands of lb/hr of steam, or ft/sec, as applicable;

(C) the two load or operating levels (i.e., low, mid, or high) identified in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75 as the most frequently used;

(D) the date of the data analysis used to determine the normal load (or operating) level(s) and the two most frequently-used load or operating levels; and

(E) activation and deactivation dates when the normal load or operating levels change and are updated.

(viii) For each unit that is complying with 40 CFR Part 75 for which the optional fuel flow-to-load test in subsection 2.1.7 of Appendix D to 40 CFR Part 75 is used:

(A) the upper and lower boundaries of the range of operation as defined in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, expressed in thousands of lb/hr of steam;

(B) the load level designated as normal, pursuant to subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, expressed in thousands of lb/hr of steam; and

(C) the date of the load analysis used to determine the normal load level.

(ix) Information related to quality assurance testing, including, as applicable: identification of the test strategy; protocol for the relative accuracy test audit; other relevant test information; calibration gas levels expressed as percent of span for the calibration error test and linearity check; and calculations for determining maximum potential concentration, maximum expected concentration if applicable, maximum potential flow rate, and span.

(x) If applicable, apportionment strategies under sections 75.10 through 75.18 of 40 CFR Part 75.

(xi) Description of site locations for each monitoring component in a monitoring system, including schematic diagrams and engineering drawings and any other documentation that demonstrates each monitor location meets the appropriate siting criteria. For units monitored by a continuous emission monitoring system, diagrams shall include:

(A) a schematic diagram identifying entire gas handling system from unit to stack for all units, using identification numbers for units, monitor components, and stacks corresponding to the identification numbers provided in the initial monitoring plan and (i) and (iii) above. The schematic diagram must depict the height of any monitor locations. Comprehensive and/or separate schematic diagrams shall be used to describe groups of units using a common stack; and

(B) stack and duct engineering diagrams showing the dimensions and locations of fans, turning vanes, air preheaters, monitor components, probes, reference method sampling ports, and other equipment that affects the monitoring system location, performance, or quality control checks.

(xii) A data flow diagram denoting the complete information handling path from output signals of CEMS components to final reports.

(e) In addition to supplying the information in (c) and (d) above, the WEB source with a sulfur dioxide emitting unit using either of the methodologies in (1)(a)(ii)(B) above shall include the following information in its monitoring plan for the specific situations described:

(i) For each gas-fired or oil-fired sulfur dioxide emitting unit for which the WEB source uses the optional protocol in Appendix D to 40 CFR Part 75 for sulfur dioxide mass emissions, the Account Representative shall include the following information in the monitoring plan:

(A) parameter monitored;

(B) type of fuel measured, maximum fuel flow rate, units of measure, and basis of maximum fuel flow rate expressed as the upper range value or unit maximum for each fuel flowmeter;

(C) test method used to check the accuracy of each fuel flowmeter;

(D) submission status of the data;

(E) monitoring system identification code;

(F) the method used to demonstrate that the unit qualifies for monthly gross calorific value (GCV) sampling or for daily or annual fuel sampling for sulfur content, as applicable;

(G) a schematic diagram identifying the relationship between the unit, all fuel supply lines, the fuel flowmeters, and the stacks. The schematic diagram must depict the installation location of each fuel flowmeter and the fuel sampling locations. Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common pipe;

(H) for units using the optional default sulfur dioxide emission rate for "pipeline natural gas" or "natural gas" in appendix D to 40 CFR Part 75, the information on the sulfur content of the gaseous fuel used to demonstrate compliance with either subsection 2.3.1.4 or 2.3.2.4 of Appendix D to 40 CFR Part 75;

(I) for units using the 720 hour test under subsection 2.3.6 of Appendix D to 40 CFR Part 75 to determine the required sulfur sampling requirements, report the procedures and results of the test; and

(J) for units using the 720 hour test under subsection 2.3.5 of Appendix D to 40 CFR Part 75 to determine the appropriate fuel GCV sampling frequency, report the procedures used and the results of the test.

(ii) For each sulfur dioxide emitting unit for which the WEB source uses the low mass emission excepted methodology of 40 CFR 75.19, the WEB source shall include the information in (A) through (F) in the monitoring plan that accompanies the initial certification application.

(A) The results of the analysis performed to qualify as a low mass emissions unit under 40 CFR 75.19(c). This report will include either the previous three years' actual or projected emissions. The report will include the current calendar year of application; the type of qualification; years one, two, and three; annual measured, estimated or projected sulfur dioxide mass emissions for years one, two, and three; and annual operating hours for years one, two, and three.

(B) A schematic diagram identifying the relationship between the unit, all fuel supply lines and tanks, any fuel flowmeters, and the stacks. Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common pipe.

(C) For units which use the long term fuel flow methodology under 40 CFR 75.19(c)(3), a diagram of the fuel flow to each unit or group of units and a detailed description of the procedures used to determine the long term fuel flow for a unit or group of units for each fuel combusted by the unit or group of units.

(D) A statement that the unit burns only gaseous fuels or fuel oil and a list of the fuels that are burned or a statement that the unit is projected to burn only gaseous fuels or fuel oil and a list of the fuels that are projected to be burned.

(E) A statement that the unit meets the applicability requirements in 40 CFR 75.19(a) and (b) with respect to sulfur dioxide emissions.

(F) Any unit historical actual, estimated and projected sulfur dioxide emissions data and calculated sulfur dioxide emissions data demonstrating that the unit qualifies as a low mass emissions unit under 40 CFR 75.19(a) and (b).

(iii) For each gas-fired unit, the account representative shall include the following in the monitoring plan: current calendar year, fuel usage data as specified in the definition of gas-fired in 40 CFR 72.2, and an indication of whether the data are actual or projected data.

(f) The specific elements of a monitoring plan under this section shall not be part of a WEB source's operating permit issued under R307-415, and modifications to the elements of the plan shall not require a permit modification.

(3) Certification and Recertification.

(a) All monitoring systems are subject to initial certification and recertification testing as specified in 40 CFR Part 75 or Appendix B[~~E~~] of State Implementation Plan Section XX, as applicable. Certification or recertification of a monitoring system by the U.S. EPA for a WEB source that is subject to 40 CFR Part 75 under a requirement separate from this Rule shall constitute certification under the WEB Trading Program.

(b) The WEB source with a sulfur dioxide emitting unit not otherwise subject to 40 CFR Part 75 that monitors sulfur dioxide mass emissions in accordance with 40 CFR Part 75 to satisfy the requirements of this section shall perform all of the tests required by that regulation and shall submit the following to the executive secretary:

(i) a test notice, not later than 21 days before the certification testing of the monitoring system, provided that the executive secretary may establish additional requirements for adjusting test dates after this notice as part of the approval of the initial monitoring plan under (2)(c) above; and

(ii) an initial certification application within 45 days after testing is complete.

(c) A monitoring system will be considered provisionally certified while the application is pending.

(d) Upon receipt of a disapproval of the certification of a monitoring system or component, the certification is revoked. The data measured and recorded shall not be considered valid quality-assured data from the date of issuance of the notification of revocation until the WEB source completes a subsequently-approved certification or re-certification test in accordance with the procedures in this rule. The WEB source shall apply the substitute data procedures in this rule to replace all of the invalid data for each disapproved system or component.

(4) Ongoing Quality Assurance and Quality Control. The WEB source shall satisfy the applicable quality assurance and quality control requirements of 40 CFR Part 75 or, if the WEB source is subject to a WEB protocol in Appendix B[~~E~~] of State Implementation Plan Section XX, the applicable quality assurance and quality control requirements in Appendix B[~~E~~] of State Implementation Plan Section XX on and after the date that certification testing commences.

(5) Substitute Data Procedures.

(a) For any period after certification testing is complete in which quality assured, valid data are not being recorded by a monitoring system certified and operating in accordance with R307-250, missing or invalid data shall be replaced with substitute data in accordance with 40 CFR Part 75 or, if the WEB source is subject to a WEB protocol in Appendix B[~~E~~] of State Implementation Plan Section XX, with substitute data in accordance with that Appendix.

(b) For a sulfur dioxide emitting unit that does not have a certified or provisionally certified monitoring system in place as of the beginning of the first control period for which the unit is subject to the WEB Trading Program, the WEB source shall use one of the following procedures.

(i) If the WEB source will use a continuous emissions monitoring system to comply with this Section, substitute the maximum potential concentration of sulfur dioxide for the unit and the maximum potential flow rate, as determined in accordance with 40 CFR Part 75. The procedures for conditional data validation under section 75.20(b)(3) may be used for any monitoring system under this Rule that uses these 40 CFR Part 75 procedures, as applicable.

(ii) If the WEB source will use the 40 CFR Part 75 Appendix D methodology, substitute the maximum potential sulfur content, density

or gross calorific value for the fuel and the maximum potential fuel flow rate, in accordance with section 2.4 of Appendix D to 40 CFR Part 75.

(iii) If the WEB source will use the 40 CFR Part 75 methodology for low mass emissions units, substitute the sulfur dioxide emission factor required for the unit as specified in 40 CFR 75.19 and the maximum rated hourly heat input, as defined in 40 CFR 72.2.

(iv) If using a protocol in Appendix B[~~E~~] of State Implementation Plan Section XX, follow the procedures in the applicable protocol.

(6) Deadlines.

(a) The initial monitoring plan required under R307-250-9(2)(a)(i) shall be submitted by the following dates:

(i) for each source that is a WEB source on or before the program trigger date, the monitoring plan shall be submitted 180 days after such program trigger date.

(ii) for any existing source that becomes a WEB source after the program trigger date, the monitoring plan shall be submitted by September 30 of the year following the inventory year in which the source exceeded the 100 tons per year sulfur dioxide emissions threshold in R307-250-4(b).

(iii) for any new WEB source, the monitoring plan shall be included with the notice of intent required by R307-401.

(b) The detailed monitoring plan required under R307-250-9(2)(a)(ii) shall be submitted no later than 45 days prior to commencing certification testing in accordance with (c) below. Modifications to the monitoring plan shall be submitted within 90 days of implementing revised monitoring plans.

(c) Emission monitoring systems shall be installed, operational and shall have met all of the certification testing requirements of R307-250-9(3), including any referenced in Appendix B[~~E~~] of State Implementation Plan Section XX, by the following dates:

(i) for each source that is a WEB source on or before the program trigger date, two years prior to the start of the first control period as described in R307-250-12.

(ii) for any existing source that becomes a WEB source after the program trigger date, one year after the due date for the monitoring plan under (6)(a)(ii) above.

(iii) for any new WEB source or any new unit at a WEB source, the earlier of 90 unit operating days or 180 calendar days after the date the new source commences operation.

(d) The WEB source shall submit test notices and certification applications in accordance with the deadlines set forth in R307-250-9(3)(b).

(e) For each control period, the WEB source shall submit each quarterly report no later than 30 days after the end of each calendar quarter, and shall submit each annual report no later than 60 days after the end of each calendar year.

(7) Recordkeeping.

(a) The WEB source shall keep copies of all reports, registration materials, compliance certifications, sulfur dioxide emissions data, quality assurance data, and other submissions under this Rule for a period of five years. In addition, the WEB source shall keep a copy of all certificates for the duration of the WEB Trading Program. Unless otherwise requested by the WEB source and approved by the executive secretary, the copies shall be kept on site.

(b) The WEB source shall keep records of all operating hours, quality assurance activities, fuel sampling measurements, hourly averages for sulfur dioxide, stack flow, fuel flow, or other continuous measurements, as applicable, and any other applicable data elements specified in this section or in Appendix B[~~E~~] of State Implementation Plan Section XX. The WEB source shall maintain the applicable records specified in 40 CFR Part 75 for any sulfur dioxide emitting unit that uses a Part 75 monitoring method to meet the requirements of this Section.

(8) Reporting.

(a) Quarterly Reports. For each sulfur dioxide emitting unit, the account representative shall submit a quarterly report within thirty days after the end of each calendar quarter. The report shall be in a format specified by the executive secretary, including hourly and quality assurance activity information, and shall be submitted in a manner compatible with the [~~emissions tracking database designed for the WEB Trading Program~~]WEB EATS. If the WEB source submits a quarterly report under 40 CFR Part 75 to the U.S. EPA Administrator, no additional report under this paragraph (a) shall be required. The executive secretary may require that a copy of that report or a separate statement of quarterly and cumulative annual sulfur dioxide mass emissions be submitted separately.

(b) Annual Report. Based on the quarterly reports, each WEB source shall submit an annual statement of total annual sulfur dioxide emissions for all sulfur dioxide emitting units at the source. The annual report shall identify total emissions for all units monitored in accordance with (1)(a) above and the total emissions for all units with emissions estimated in accordance with (1)(b) above. The annual report shall be submitted within 60 days after the end of a control period.

(c) If directed by the executive secretary, monitoring plans, reports, certifications or recertifications, or emissions data required to be submitted under this section also shall be submitted to the TSA.

(d) If the executive secretary rejects any report submitted under this subsection that contains errors or fails to satisfy the requirements of this section, the account representative shall resubmit the report to correct any deficiencies.

(9) Petitions. A WEB source may petition for an alternative to any requirement specified in (1)(a)(ii) above. The petition shall require approval of the executive secretary and the Administrator. Any petition submitted under this paragraph shall include sufficient information for the evaluation of the petition, including, at a minimum, the following information:

(a) identification of the WEB source and applicable sulfur dioxide emitting unit(s);

(b) a detailed explanation of why the proposed alternative is being suggested in lieu of the requirement;

(c) a description and diagram of any equipment and procedures used in the proposed alternative, if applicable; and

(d) a demonstration that the proposed alternative is consistent with the purposes of the requirement for which the alternative is proposed, is consistent with the purposes of R307-250, and that any adverse effect of approving such alternative will be de minimis; and

(e) any other relevant information that the executive secretary may require.

(10) For any monitoring plans, reports, or other information submitted under this Rule, the account representative shall ensure that, where applicable, identifying information is consistent with the identifying information provided in the most recent certificate for the WEB source submitted under R307-250-5.

. . . . . .

R307-250-12. Compliance.

(1) Compliance with Allowance Limitations.

(a) The WEB source must hold allowances, in accordance with (b)and (c) below and R307-250-11, as of the allowance transfer deadline in the WEB source's compliance account, together with any

current control year allowances held in the WEB source's special reserve compliance account under R307-250-9(1)(b), in an amount not less than the total sulfur dioxide emissions for the control period from the WEB source, as determined under the monitoring and reporting requirements of R307-250-9.

(i) For each source that is a WEB source on or before the program trigger date, the first control period is the calendar year that is six years following the calendar year for which sulfur dioxide emissions exceeded the milestone as determined in accordance with SIP Section XX.E.1.

(ii) For any existing source that becomes a WEB source after the program trigger date, the first control period is the calendar year that is four years following the inventory year in which the source became a WEB source.

(iii) For any new WEB source after the program trigger date, the first control period is the first full calendar year that the source is in operation.

(iv) If the WEB Trading Program is triggered in accordance with the 2013 review procedures in SIP Section XX.E.1.d, the first control period for each source that is a WEB source on or before the program trigger date is the year 2018.

(b) Allowance transfer deadline. An allowance may only be deducted from the WEB source's compliance account if:

(i) the allowance was allocated for the current control period or meets the requirements in R307-250-11 for use of allowances from a previous control period, and

(ii) the allowance was held in the WEB source's compliance account as of the allowance transfer deadline for the current control period, or was transferred into the compliance account by an allowance transfer correctly submitted for recording by the allowance transfer deadline for the current control period.

(c) Compliance with allowance limitations shall be determined as follows.

(i) The total annual sulfur dioxide emissions for all sulfur dioxide emitting units at the source that are monitored under R307-250-9(1)(b), as reported by the source to the executive secretary, in accordance with R307-250-9, and recorded in the [~~emissions tracking database~~]WEB EATS shall be compared to the allowances held in the source's special reserve compliance account as of the allowance transfer deadline for the current control period, adjusted in accordance with R307-250-11. If the emissions are equal to or less than the allowances in such account, all such allowances shall be retired to satisfy the obligation to hold allowances for such emissions. If the total emissions from such units exceed the allowances in such special reserve compliance account, the WEB source shall account for such excess emissions in the following paragraph (ii).

(ii) The total annual sulfur dioxide emissions for all sulfur dioxide emitting units at the source that are monitored under R307-250-9(1)(a), as reported by the source to the executive secretary in accordance with R307-250-9 and recorded in the [~~emissions tracking database~~]WEB EATS, together with any excess emissions as calculated in the preceding paragraph (i), shall be compared to the allowances held in the source's compliance account as of the allowance transfer deadline for the current control period, adjusted in accordance with R307-250-11.

(iii) If the comparison in paragraph (ii) above results in emissions that exceed the allowances held in the source's compliance account, the source has exceeded its allowance limitation and the excess emissions are subject to the allowance deduction penalty in R307-250-12(3)(a).

(d) Other than allowances in a special reserve compliance account for units monitored under R307-250-9(1)(b), to the extent consistent with R307-250-11, allowances shall be deducted for a WEB source for compliance with the allowance limitation as directed by the WEB source's account representative. Deduction of any other allowances as necessary for compliance with the allowance limitation shall be on a first-in, first-out accounting basis in the order of the date and time of their recording in the WEB source's compliance account, beginning with the allowances allocated to the WEB source and continuing with the allowances transferred to the WEB source's compliance account from another compliance account or general account. The allowances held in a special reserve compliance account pursuant to R307-250-9(1)(b) shall be deducted as specified in paragraph (c)(i) above.

(2) Certification of Compliance.

(a) For each control period in which a WEB source is subject to the allowance limitation, the account representative of the source shall submit to the executive secretary a compliance certification report for the source.

(b) The compliance certification report shall be submitted no later than the allowance transfer deadline of each control period, and shall contain the following:

(i) identification of each WEB source;

(ii) at the account representative's option, the serial numbers of the allowances that are to be deducted from a source's compliance account or special reserve compliance account for compliance with the allowance limitation; and

(iii) the compliance certification report according to (c) below.

(c) In the compliance certification report, the account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the WEB source in compliance with the WEB Trading Program, whether the WEB source for which the compliance certification is submitted was operated in compliance with the requirements of the WEB Trading Program applicable to the source during the control period covered by the report, including:

(i) whether the WEB source operated in compliance with the sulfur dioxide allowance limitation;

(ii) whether sulfur dioxide emissions data was submitted to the executive secretary in accordance with R307-250-9(8) and other applicable requirements for review, revision as necessary, and finalization;

(iii) whether the monitoring plan for the WEB source has been maintained to reflect the actual operation and monitoring of the source, and contains all information necessary to attribute sulfur dioxide emissions to the source, in accordance with R307-250-9(2);

(iv) whether all the sulfur dioxide emissions from the WEB source if applicable, were monitored or accounted for either through the applicable monitoring or through application of the appropriate missing data procedures;

(v) if applicable, whether any sulfur dioxide emitting unit for which the WEB source is not required to monitor in accordance with R307-250-9(1)(a)(iii) of this rule remained permanently retired and had no emissions for the entire applicable period; and

(vi) whether there were any changes in the method of operating or monitoring the WEB source that required monitor recertification. If there were any such changes, the report must specify the nature, reason, and date of the change, the method to determine compliance status subsequent to the change, and specifically, the method to determine sulfur dioxide emissions.

(3) Penalties for Any WEB Source Exceeding Its Allowance Limitations.

(a) Allowance Deduction Penalty.

(i) An allowance deduction penalty will be assessed equal to three times the number of the WEB source's tons of sulfur dioxide emissions

in excess of its allowance limitation for a control period, determined in accordance with R307-250-12(1). Allowances allocated for the following control period in the amount of the allowance deduction penalty will be deducted from the source's compliance account. If the compliance account does not have sufficient allowances allocated for that control period, the required number of allowances will be deducted from the WEB source's compliance account regardless of the control period for which they were allocated, once allowances are recorded in the account.

(ii) Any allowance deduction required under R307-250-12(1)(c) shall not affect the liability of the owners and operators of the WEB source for any fine, penalty or assessment or their obligation to comply with any other remedy, for the same violation, as ordered under the Clean Air Act, implementing regulations or Utah Code 19-2. Accordingly, a violation can be assessed each day of the control period for each ton of sulfur dioxide emissions in excess of its allowance limitation, or for each other violation of R307-250.

(4) Liability.

(a) WEB Source liability for non-compliance. Separate and regardless of any allowance deduction penalty, a WEB source that violates any requirement of this Rule is subject to civil and criminal penalties under Utah Code 19-2. Each day of the control period is a separate violation, and each ton of sulfur dioxide emissions in excess of a source's allowance limitation is a separate violation.

(b) General Liability.

(i) Any provision of the WEB Trading Program that applies to a source or an account representative shall apply also to the owners and operators of such source.

(ii) Any person who violates any requirement or prohibition of the WEB Trading Program will be subject to enforcement pursuant to Utah Code 19-2.

(iii) Any person who knowingly makes a false material statement in any record, submission, or report under this WEB Trading Program shall be subject to criminal enforcement pursuant to the Utah Code.

. . . . . .

KEY: air pollution, sulfur dioxide, market trading program
Date of Enactment or Last Substantive Amendment: 2008
Notice of Continuation: February 8, 2008
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a); 19-2-104(3)(e)

♦ ♦

Environmental Quality, Air Quality
R307-328
Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 31392
Filed: 09/04/2008, 09:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to modify the rule in response to comments received from stakeholders, and to add specific language in the rule that makes it conform to federal language, as requested by stakeholders.

SUMMARY OF THE RULE OR CHANGE: Rule R307-328's applicability was modified to gasoline dispensing facilities with throughput greater than 10,000 gallons per month. Language was added pertaining to submerged fill pipes. The length of the submerged fill pipe is defined as specified in 40 CFR Part 63.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101 and Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact the state budget.

❖ LOCAL GOVERNMENTS: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Business: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses. Other Persons: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impacts other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated with this rule change. No new requirements were created with this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The revisions to Rule R307-328 address issues that arose during the public comment period. No costs or savings are anticipated with this rule change. No new requirements were created with this rule change. Rick 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:
Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-328. ~~[Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties:]~~Gasoline Transfer and Storage.

. . . . . .

R307-328-2. Applicability.

(1) Transport Vehicles. R307-328 applies to the owner or operator of any gasoline tank truck, railroad tank car, or other gasoline transport vehicle that loads or unloads gasoline in Utah.

(2) Gasoline Dispensing. R307-328 applies to the owner or operator of any bulk terminal, bulk plant, stationary storage container, or service station located in Utah that dispenses 10,000 gallons or more in any one calendar month.

(3) This rule applies to all transport vehicles and dispensing facilities that operate within Utah according to the compliance schedule defined in section 328-9 of this rule.

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R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.

(1) No person shall load or permit the loading of gasoline into any tank truck, trailer, railroad tank car, or other transport vehicle unless the emissions from such vehicle are controlled by use of a vapor collection and control system and submerged or bottom filling. RACT shall be required and in no case shall vapor emissions to the atmosphere exceed 0.640 pounds per 1,000 gallons transferred.

(2) Such vapor collection and control system shall be properly installed and maintained.

(3) The loading device shall not leak.

(4) The loading device shall utilize the dry-break loading design couplings and shall be maintained and operated to allow no more than an average of 15 cc drainage per disconnect for 5 consecutive disconnects.

(5) All loading and vapor lines shall be equipped with fittings which make a vapor tight connection and shall automatically close upon disconnection to prevent release of the organic material.

(6) A gasoline storage and transfer installation that receives inbound loads and dispatches outbound loads ("bulk plant") need not comply with R307-328-4 if it does not have a daily average throughput of more than 3,900 gallons (15,000 or more liters) of gasoline based upon a 30-day rolling average. Such installations shall on-load and off-load gasoline by use of bottom or submerged filling or alternate equivalent methods. The emission limitation is based on operating procedures and equipment specifications using Reasonably Available Control Technology as defined in EPA documents EPA 450/2-77-026 October 1977, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," and EPA-450/2-77-035 December 1977, "Control of Volatile Organic Emissions from Bulk Gasoline Plants." The design effectiveness of such equipment and the operating procedures must be documented and submitted to and approved by the executive secretary.

(7) Hatches of transport vehicles shall not be opened at any time during loading operations except to avoid emergency situations or during emergency situations. Pressure relief valves on storage tanks and transport vehicles shall be set to release at the highest possible pressure, in accordance with State or local fire codes and National Fire Prevention Association guidelines. Pressure in the vapor collection system shall not exceed the transport vehicle pressure relief setting.

(8) Each owner or operator of a gasoline storage [~~and~~]or dispensing installation shall conduct testing of vapor collection systems used at such installation and shall maintain records of all tests for no less than two years. Testing procedures of vapor collection systems shall be approved by the executive secretary and shall be consistent with the procedures described in the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA-450/2-78-051.

(9) Semi-annual testing shall be conducted and records maintained of such test. The frequency of tests may be altered by the executive secretary upon submittal of documentation which would justify a change.

(10) The vapor collection and vapor processing equipment shall be designed and operated to prevent gauge pressure in the delivery vessel from exceeding 18 inches of water and prevent vacuum from exceeding 6 inches of water. During testing and monitoring, there shall be no reading greater than or equal to 100 percent of the lower explosive limit measured at 1.04 inches around the perimeter of a potential leak source as detected by a combustible gas detector. Potential leak sources include, but are not limited to, piping, seals, hoses, connections, pressure or vacuum vents, and vapor hoods. In addition, no visible liquid leaks are permitted during testing or monitoring.

R307-328-5. Stationary Source Container Loading.

(1) No person shall transfer or permit the transfer of gasoline from any delivery vessel (i.e. tank truck or trailer) into any stationary storage container with a capacity of 250 gallons or greater unless such container is equipped with a submerged fill pipe that extends to no more than twelve inches from the bottom of the storage tank for fill pipes installed on or before November 9, 2006, and no more than six inches form the bottom of the storage tank for fill pipes installed after November 9, 2006, and at least 90 percent of the gasoline vapor, by weight, displaced during the filling of the stationary storage container is prevented from being released to the atmosphere. This requirement shall not apply to:

(a) the transfer of gasoline into any stationary storage container of less than 550 gallons used primarily for the fueling of implements of husbandry if such container is equipped with a permanent submerged fill pipe;

(b) the transfer of gasoline into any stationary storage container having a capacity of less than 2,000 gallons which was installed prior to January 1, 1979, if such container is equipped with a permanent submerged fill pipe;

(c) the transfer of gasoline to storage tanks equipped with floating roofs or their equivalent which have been approved by the executive secretary.

(2) The 90 percent performance standard of the vapor control system shall be based on operating procedures and equipment specifications. The design effectiveness of such equipment and the operating procedure must be documented and submitted to and approved by the executive secretary.

(3) Each owner or operator of a gasoline storage tank or the owner or operator of the gasoline delivery vessel subject to (1) above shall install vapor control equipment, which includes, but is not limited to:

(a) vapor return lines and connections sufficiently free of restrictions to allow transfer of vapor to the delivery vessel or to the vapor control system, and to achieve the required recovery;

(b) a means of assuring that the vapor return lines are connected to the delivery vessel, or vapor control system, and storage tank during tank filling;

(c) restrictions in the storage tank vent line designed and operated to prevent:

(i) the release of gasoline vapors to the atmosphere during normal operation; and

(ii) gauge pressure in the delivery vessel from exceeding 18 inches of water and vacuum from exceeding 6 inches of water.

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R307-328-9. Compliance Schedule.

(1) Effective May 1, 2000, all Facilities located in Davis, Salt Lake, Utah, and Weber Counties shall be in compliance with this rule.

(2) All other facilities located in Utah, shall be in compliance with this rule according to the following phase-in schedule:

(a) Facilities located in Box Elder, Cache, Tooele and Washington Counties shall be in compliance with this rule by April 30, 2009.

(b) Facilities located in Emery, Iron, Juab, Millard, Sevier, Summit and Uintah Counties shall be in compliance with this rule by April 30, 2010.

(c) All facilities located in Utah shall be in compliance with this rule by April 30, 2011.

([~~2~~]3) If this implementation schedule results in a scheduling and/or financial hardship for an individual facility, that facility may request a six-month extension from the Executive Secretary of the Utah Air Quality Board. A maximum of two six-month extensions may be granted. Regardless of extension requests submitted, all facilities must be in compliance with this rule not later than April 30, 2011.

([~~3~~]4) A request for an extension must be documented and contain valid reasons why a facility will not able to meet the phase-in schedule indicated in ([~~1~~]2)(a) or (b) above. A late start on preparation or planning is not a valid reason to grant an extension. The request for extension must also contain a proposed implementation schedule that shows compliance to this rule at the earliest possible date, but no later than April 30, 2011.

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KEY: air pollution, gasoline transport, ozone
Date of Enactment or Last Substantive Amendment: 2008
Notice of Continuation: March 15, 2007
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)

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Insurance, Administration
R590-153
(Changed to: R592-6)
Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 31715
Filed: 09/15/2008, 09:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed as a result of suggested changes received during the comment period and hearing.

SUMMARY OF THE RULE OR CHANGE: Besides grammatical corrections to the rule, the changes include: 1) Subsection R592-6-4(20) which adds the following wording to the end of the first sentence, "develops, or pays to maintain."; 2) Subsection R592-6-4(21) references the code for the definition of "person"; 3) Subsection R592-6-4(27) includes escrow companies as an I.R.C. qualified intermediary; and 4) Subsection R592-6-5(7) states that only those continuing education class that are approved by the "appropriate regulatory agency" may be conducted. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 1, 2008, issue of the Utah State Bulletin, on page 36. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-404

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes to this rule are mainly for clarification purposes and will not impact the number of filings or fees the department already receives.

❖ LOCAL GOVERNMENTS: The changes to this rule will not affect local governments since the rule deals with the relationship between the department and its licensees only.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The changes to this rule clarify the intent of the changes already made to the rule. Small businesses, escrow or title agencies will not be impacted monetarily by these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule clarify the intent of the changes already made to the rule. No additional fiscal impact is anticipated by these changes to title and escrow businesses or their consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on small 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 10/31/2008

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
10/14/2008 at 9:00 AM, East Building, 350 N State St (behind the Capitol), Olmsted Room, Main Floor, Salt Lake City, UT
THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2008

AUTHORIZED BY: Jilene Whitby, Information Specialist

R592. Insurance, Title and Escrow Commission.
R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.

. . . . . .

R592-6-4. Unfair Methods of Competition, Acts and Practices.

In addition to the acts prohibited under Section 31A-23a-402, the Commission finds that providing or offering to provide any of the following benefits by parties identified in Section R592-6-2 to any client, either directly or indirectly, except as specifically allowed in Section R592-6-5 below, is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition.

(1) The furnishing of a title insurance commitment without one of the following:

(a) sufficient evidence in the file of the title insurer, agency or producer that a bona fide real estate transaction exists; or

(b) payment in full at the time the title insurance commitment is provided.

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

(3) Furnishing escrow services pursuant to Section 31A-23a-406:

(a) for a charge less than the charge filed pursuant to Section 31A-19a-209(5); or

(b) the filing of charges for escrow services with the Utah Insurance Commissioner (commissioner), which are less than the actual cost of providing the services.

(4) Waiving all or any part of established fees or charges for services which are not the subject of rates or escrow charges filed with the commissioner.

(5) Deferring or waiving any payment for insurance or services otherwise due and payable, including a series of real estate transactions for the same parcel of property.

(6) Furnishing services not reasonably related to a bona fide title insurance, escrow, settlement, or closing transaction, including non-related delivery services, accounting assistance, or legal counseling.

(7) The paying for, furnishing, or waiving all or any part of the rental or lease charge for space which is occupied by any client.

(8) Renting or leasing space from any client, regardless of the purpose, at a rate which is excessive or inadequate when compared with rental or lease charges for comparable space in the same geographic area, or paying rental or lease charges based in whole or in part on the volume of business generated by any client.

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

(10) The co-habitation or sharing of office space with a client of a title insurer, title agency, or title producer.

(11) Furnishing all or any part of the time or productive effort of any employee of the title insurer, agency or producer, for example, secretary, clerk, messenger or escrow officer, to any client.

(12) Paying for all or any part of the salary of a client or an employee of any client.

(13) Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time licensed as a real estate agent or real estate broker or as a mortgage lender or mortgage company subject to 31A-2-405 and R592-5.

(14) Paying for the fees or charges of a professional, for example, an appraiser, surveyor, engineer or attorney, whose services are required by any client to structure or complete a particular transaction.

(15) Sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food or otherwise providing anything of value for an activity of a client, except as allowed under Subsection R592-6-5(6). Activities include open houses at homes or property for sale, meetings, breakfasts, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, gambling trips, sporting events of all kinds, hunting trips or outings, golf or ski tournaments, artistic performances and outings in recreation areas or entertainment areas.

(16) Sponsoring, cosponsoring, subsidizing, supplying prizes or labor, except as allowed under Subsection R592-6-5(2) or otherwise providing things of value for promotional activities of a client. Title insurers, agencies or producers may attend activities of a client if there is no additional cost to the title insurer, agency or producer other than their own entry fees, registration fees, meals, and provided that these fees are no greater than those charged to clients or others attending the function.

(17) Providing gifts or anything of value to a client in connection with social events such as birthdays or job promotions. A letter or card in these instances will not be interpreted as providing a thing of value.

(18) Furnishing or providing access to the following, even for a cost:

(a) building plans;

(b) construction critical path timelines;

(c) "For Sale by Owner" lists;

(d) surveys;

(e) appraisals;

(f) credit reports;

(g) mortgage leads for loans;

(h) rental or apartment lists; or

(i) printed labels.

(19) Newsletters cannot be property specific or cannot highlight specific customers.

(20) A title insurer, agency or producer cannot provide a client access to any software accounts that are utilized to access real property information that the insurer, agency or producer pays for, develops, or pays to maintain. Closing software is exempt as long as it is used for a specific closing.

(21) A person, as defined in 31A-1-301, or individual affiliated with a title insurer, agency or producer cannot provide a loan or any type of financing to a client of title insurance.

(22) Paying for any advertising on behalf of a client.

(23) Advertising jointly with a client on subdivision or condominium project signs, or signs for the sale of a lot or lots in a subdivision or units in a condominium project. A title insurer, agency or producer may advertise independently that it has provided title insurance for a particular subdivision or condominium project but may not indicate that all future title insurance will be written by that title insurer, agency or producer.

(24) Advertisements may not be placed in a publication, including an internet web page and its links, that is hosted, published, produced for, distributed by or on behalf of a client.

(25) A donation may not be made to a charitable organization created, controlled or managed by a client.

(26) A direct or indirect benefit, provided to a client which is not specified in Section R592-6-5 below, will be investigated by the department for the purpose of determining whether it should be defined by the Commission as an unfair inducement under Section 31A-23a-402(8).

(27) Title insurers, agencies and producers who have ownership in, or control of, other business entities, including I.R.C. Section 1031 qualified intermediaries and escrow companies, may not use those other business entities to enter into any agreement, arrangement, or understanding or to pursue any course of conduct, designed to avoid the provisions of this rule.

R592-6-5. Permitted Advertising, Business Entertainment, and Methods of Competition.

Except as specifically prohibited in Section R592-6-4 above, the following are permitted:

(1) In addition to complying with the provisions of 31A-23a-402 and R590-130, Rules Governing Advertisements of Insurance, advertisement by title insurers, agencies or producers must comply with the following:

(a) the advertisement must be purely self-promotional; and

(b) advertisement in official trade association publications are permissible as long as any title insurer, agency or producer has an equal opportunity to advertise in the publication and at the standard rates other advertisers in the publication are charged.

(2) A title insurer, agency or producer may donate time to serve on a trade association committee and may also serve as an officer for the trade association.

(3) A title insurer, agency or producer may have two self-promotional open houses per calendar year for each of its owned or occupied facilities, including branch offices. The title insurer, agency or producer may not expend more than $15 per guest per open house. The open house may take place on or off the title insurer's, agency's or producer's premises but may not take place on a client's premises.

(4) A donation to a charitable organization must:

(a) not be paid in cash;

(b) if paid by a negotiable instrument, be made payable only to the charitable organization;

(c) be distributed directly to the charitable organization; and

(d) not provide any benefit to a client.

(5) A title insurer, agency or producer may distribute self-promotional items having a value of $5 or less to clients, consumers and members of the general public. These self-promotional items shall be novelty gifts which are non-edible and may not be personalized or bear the name of the donee. Self-promotional items may only be distributed in the regular course of business. Self-promotional items may not be given to clients or trade associations for redistribution by these entities.

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

(a) the person representing the title insurer, agency or producer must be present during the business meal or business activity;

(b) there is a substantial title insurance business discussion directly before, during or after the business meal or business activity;

(c) the total cost of the business meal, the business activity, or both is not more than $100 per person, per day;

(d) no more than three individuals from an office of a client may be provided a business meal or business activity by a title insurer, agency or producer in a single day; and

(e) the entire business meal or business activity may take place on or off the title insurer's, agency's or producer's premises, but may not take place on a client's premises.

(7) A title insurer, agency or producer may conduct continuing education programs that are approved by the [~~Commission, with the concurrence of the commissioner or the Utah Division of Real Estate~~]appropriate regulatory agency, under the following conditions:

(a) the continuing education program shall address only title insurance, escrow or other topics directly related thereto;

(b) the continuing education program must be of at least one hour in duration;

(c) for each hour of continuing education, $15 or less per person may be expended, including the cost of meals and refreshments; and

(d) no more than one such continuing education program may be conducted at the office of a client per calendar quarter.

(8) A title insurer, agency or producer may acknowledge a wedding, birth or adoption of a child, or funeral of a client or members of the client's immediate family with flowers or gifts not to exceed $75.

(9) Any other advertising, business entertainment, or method of competition must be requested in writing and approved in advance and in writing by the Commission.

. . . . . .

KEY: title insurance
Date of Enactment or Last Substantive Amendment: 2008
Notice of Continuation: November 9, 2007
Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-402

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 (Subsection 63G-3-304(1)).

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 Section 63G-3-304; and Section R15-4-8.

Career Service Review Board, Administration
R137-1-2
Definitions

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE NO.: 31934
FILED: 09/09/2008, 12:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this 120-day (emergency rule) is to comply with the state's four 10-hour day work schedule.

SUMMARY OF THE RULE OR CHANGE: This change eliminates Fridays as a defined work day.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 67-19a-203

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Changing the days during the week that Career Service Review Board (CSRB) filings and decisions will be issued will have no fiscal impact whatsoever on operating costs.
❖ LOCAL GOVERNMENTS: None--The CSRB has no interaction with local governments.
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Employees will simply not be able to file on Fridays. This will generate no costs for them, and will in fact result in an actual extension of time for them to file with the CSRB.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Employees will simply not be able to file on Fridays. This will generate no costs for them, and will in fact result in an actual extension of time for them to file with the CSRB.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change will have no impact on the CSRB's operations. As said it simply sets forth the days that filings and decisions will be issued. Robert Thompson, CSRB Administrator

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.
Governor's Executive Order that changed the state's work schedule to four 10-hour work days. Since many grievances and decisions on those grievances are required to be filed within proscribed days, the section defining working day to include Fridays must be changed to be in compliance with law. Specifically, Section R137-1-2 needs to be changed to exclude Friday as a working day.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CAREER SERVICE REVIEW BOARD
ADMINISTRATION
Room 1120 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:
Robert W. Thompson at the above address, by phone at 801-538-3047, by FAX at 801-538-3139, or by Internet E-mail at bthompson@utah.gov

THIS RULE IS EFFECTIVE ON: 10/02/2008

AUTHORIZED BY: Robert W. Thompson, Administrator

R137. Career Service Review Board, Administration.
R137-1. Grievance Procedure Rules.
R137-1-2. Definitions.

Terms defined in Section 63-46b-2 of the Utah Administrative Procedures Act (UAPA) are incorporated by reference within this rule. In addition, other terms which are used in this rule are defined below:

"Abandonment of Grievance" means either the voluntary withdrawal of a grievance or the failure by an employee to properly pursue a grievance through these grievance procedures.

"Administrative Review of the File" means an informal adjudicative proceeding according to Subsection 67-19a-403(2)(b)(ii).

"Administrator" means the incumbent in the position defined at Section 67-19a-101(1).

"Affidavit" means a signed and sworn statement offered for consideration in connection with a grievance proceeding.

"Appeal" means a formal request to a higher level of review of an unacceptable lower level decision.

"Appellant" means the party that is advancing an evidentiary level grievance decision to the appellate level before the board at Step 6.

"Appointing Authority" means the officer, board, commission, person or group of persons authorized to make appointments on personnel/human resource management matters in their respective agency.

"Board" means the entity defined at Section 67-19a-101(2), and refers to the five-member, gubernatorial-appointed entity at Sections 67-19a-201 and 67-19a-202.

"Burden of Moving Forward" means a party's obligation to present evidence on a particular issue at a particular time. The burden of moving forward may shift back and forth between the parties based on certain legal principles.

"Burden of Proof" means the obligation to prove affirmatively a fact or set of facts at issue between two parties. If proven, the opposing party then has a burden of proving any affirmative defense.

"CSRB" and "CSRB Office" mean the agency of state government that statutorily administers these grievance procedures according to Sections 67-19a-101 through 67-19a-408.

"Closing Statement" means a party's final summation of evidence and argument, which is presented at the conclusion of the hearing.

"Consolidation" means the combining of two or more grievances involving the same controversy for purposes of holding a joint hearing, proceeding, or administrative review.

"Continuance" means an authorized postponement or adjournment of a hearing until a later date, whether the date is specified or not.

"Declaratory Order" means a ruling that is explanatory in purpose; it is designed to clarify what before was uncertain or doubtful. A declaratory order constitutes a declaration of rights between parties to a dispute and is binding as to both present and future rights. It is an administrative interpretation or explanation of a right, statute, order or other legal matter under a statute, rule, or an order.

"Default" means an omission of or untimely failure to take or perform a required act in the processing of a grievance. It is the failure to discharge an obligation which results in a forfeiture.

"Deposition" means a form of discovery in which testimony of a witness is given under oath, subject to cross-examination, and recorded in writing, prior to the hearing.

"Discovery" means the prehearing process whereby one party may obtain from the opposing party, or from other individuals or entities, information regarding the witnesses to be called, the documents and exhibits to be used at the hearing, and the facts and information about the case.

"Evidentiary Hearing" means a proceeding of relative formality, though much less formal than a trial, in which witnesses are heard and evidence is presented and considered. Specific issues of fact and of law are tried. Afterwards, ultimate conclusions of fact and of law are set forth in a written decision or order.

"Excusable Neglect" means the exercise of due diligence by a reasonably prudent person and constitutes a failure to take proper steps at the proper time, not in consequence of the person's own carelessness, inattention, or willful disregard in the processing of a grievance, but in consequence of some unexpected or unavoidable hindrance or accident.

"File" means to submit a document, grievance, petition, or other paper to the CSRB Office as prescribed by these rules. The term "file" includes faxing and E-mailing.

"Filing Date" means the day that a document, grievance, petition, or other paper is recorded as having been received by the CSRB Office.

"Grievance Procedures" mean the grievance and appeal procedures codified at Sections 67-19a-101 through 67-19a-408 and promulgated through this rule.

"Grievant" means the person or party advancing one or more issues as a petitioner through these grievance procedures to the evidentiary/step 5 level. However, at the appellate/step 6 level one party is designated as the appellant, the other as respondent.

"Group Grievance" means a grievance submitted and signed by two or more aggrieved employees. The term does not include "class action."

"Hearing" means the opportunity to be heard in an administrative proceeding.

"Hearing Officer" means an impartial trier of facts appointed by the CSRB administrator and assigned to hear a particular grievance case at the evidentiary/step 5 level.

"Hearsay Evidence" means evidence not based upon a witness's personal knowledge as a direct observer of an event. Rather, hearsay evidence stems from the repetition of what a witness heard another person say. Hearsay's value rests upon the credibility of the declarant. Hearsay is a statement made outside of the hearing that is offered as evidence of the truth of matters asserted in the hearing.

"Issuance" means the date on which a decision, order or ruling is signed and dated; it is not the date of mailing, or the date of the mailing certificate, nor the postal date. Date of issuance is the date specified according to Subsection 63-46b-14(3)(a), of the UAPA.

"Joint Hearing" means the uniting of two or more grievances involving the same, similar, or related circumstances or issues to conduct a single hearing; also see "Consolidation."

"Jurisdiction" means the legal right and authority to hear and decide issues and controversies.

"Jurisdictional Hearing" means a hearing conducted by the administrator (or hearing officer who sits by designation to represent the administrator in these hearings) to determine timeliness, standing, jurisdiction, direct harm, and eligibility to advance a grievance issue to the evidentiary/step 5 level.

"Management Representative" means a person of managerial or supervisory status who is not subject to exclusion. Legal counsel is not included within the meaning of the term.

"Motion" means a request offered verbally or in writing for a ruling or to take some action.

"Notice" and "Notification" mean a proper written notice to the parties involved in a grievance procedural hearing or conference, setting forth date, time, location, and the issue to be considered.

"Pleadings" mean the formal written allegations of the parties that set forth their respective claims and defenses.

"Pro Se" means in one's own behalf. A person is represented pro se in an administrative proceeding when acting without legal counsel or other representation.

"Quash" means to cancel, annul, or vacate a subpoena.

"Relevant" means directly applying to the matter in question; pertinent, germane. It is evidence that tends to make the existence of any facts more probable or certain than they would be without the evidence; and tending to prove the precise fact at issue.

"Remand" means to send back, as for further deliberation and judgment, to the presiding official or other tribunal from which a case was appealed.

"Respondent" means the party against whom an appeal is made at the appellate/step 6 level.

"Standard of Proof" means the evidentiary standard, which in CSRB adjudications is the substantial evidence standard.

"Stay" means a temporary suspension of a case or of some designated proceeding within the case.

"Submit" means to commit to the discretion of another; to present for determination.

"Subpoena" means a formal legal document issued under authority to compel the appearance of a witness at an administrative proceeding, the disobedience of which may be punishable as a contempt of court.

"Subpoena Duces Tecum" means a formal legal document issued under authority to compel specific documents, books, writings, papers, or other items.

"Substantial Evidence" means evidence possessing something of substance and relevant consequence, and which furnishes substantial basis of fact from which issues tendered can be reasonable resolved. It is evidence that a reasonable mind might accept as adequate to support a conclusion, but is less than a preponderance.

"Summary Judgment" means a ruling made upon motion by a party or the presiding official when there is no dispute as to either material fact or inferences to be drawn from undisputed facts, or if only a question of law is involved. The motion may be directed toward all or part of a claim or defense.

"Transcript" means an official verbatim written record of an adjudicative proceeding or any part thereof, which has been recorded and subsequently transcribed by a certified court reporter.

"UAPA" means the Utah Administrative Procedures Act found at Sections 63-46b-1 through 63-46b-21.

"Withdraw" means to recall or retract a grievance from further consideration under these grievance procedures.

"Witness Fee" means an appearance fee and may also include a mileage rate established by statutory provision pursuant to Section 21-5-4.

"Working Days" means for purposes of the time periods for filing a grievance, advancing an appeal or responding to an employee's grievance or appeal, all days except [~~for~~]Fridays, Saturdays, Sundays and recognized State holidays.

KEY: grievance procedures
Date of Enactment or Last Substantive Amendment: October 2, 2008
Notice of Continuation: August 4, 2006
Authorizing, and Implemented or Interpreted Law: 34A-5-106; 67-19-30; 67-19-31; 67-19-32; 67-19a et seq.; 63-46b et seq.

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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 Section 63G-3-305.

Administrative Services, Administration
R13-1
Public Petitions for Declaratory Orders

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 31936
FILED: 09/10/2008, 19:37

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: Section 63G-4-503 requires each agency to issue rules that govern procedures for declaratory orders. Specifically, it provides that, "Each agency shall issue rules that: (a) provide for the form, contents, and filing of petitions for declaratory orders; (b) provide for the disposition of the petitions; (c) define the classes of circumstances in which the agency will not issue a declaratory order; (d) are consistent with the public interest and with the general policy of this chapter; and (e) facilitate and encourage agency issuance of reliable advice." Subsection 63G-4-503(2).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received since this 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: This rule provides the procedures for submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing or issued by the department, or one of its divisions or offices. The rule is being continued as one of the standard procedures of open and transparent government in compliance with the Utah Administrative Procedures Act.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
ADMINISTRATION
Room 3120 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kenneth A. Hansen at the above address, by phone at 801-538-3777, by FAX at 801-538-1773, or by Internet E-mail at khansen@utah.gov

AUTHORIZED BY: Kimberly K Hood, Executive Director

EFFECTIVE: 09/10/2008

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Education, Administration
R277-106
Utah Professional Practices Advisory Commission Appointment Process

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 31951
FILED: 09/15/2008, 21:03

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-6-303(1)(a) directs the State Board of Education (Board) to adopt rules establishing procedures for nominating and appointing Commission members.

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: Utah state law continues to require that the Board have a rule which establishes procedures for nominating and appointing Commission members. 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: 09/15/2008

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Environmental Quality, Air Quality
R307-107
General Requirements: Unavoidable Breakdown

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 31927
FILED: 09/04/2008, 09:16

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: Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources...," and Subsection 19-2-104(1)(c)(iii) allows the Board to write rules that require persons engaged in operation that result in air pollution to provide access to records relating to emissions that cause or contribute to air pollution. Thus, the Board may make rules such as Rule R307-107 that reduce the incidence of breakdowns that contribute to air pollution, and reduce the emissions that occur during breakdowns.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-107 was proposed for public comment once since the last five-year review under DAR No. 27427. Comments where received on the proposed rulemaking, most of which were adverse to the proposal. Given the adverse nature of the comments and lack of consensus on the proposed rule, the Board decided it would allow the proposal to lapse and maintain the existing unavoidable breakdown rule without changes. No other comments were received since the last five-year review. Comments received on the 2004 proposed amendment are as follows. COMMENT 1: All excess emissions constitute violations. Affirmative Defense is available only for penalties, not for injunctive relief. A state's decision not to pursue enforcement action does not bar the EPA or citizen enforcement of the applicable requirements (EPA, Utah Chapter Sierra Club, Wasatch Clean Air Coalition). COMMENT 2: The incentive to use appropriate scheduling/practices to avoid excess emissions during scheduled maintenance should not be diminished by providing an Affirmative Defense (EPA). COMMENT 3: R307-107 (the rule) includes a provision regarding the exercise of enforcement discretion by the Executive Secretary of the board. However, the Executive Secretary's or Board's decision does not bind the EPA or citizens. Furthermore, the Executive Secretary is allowed to make a determination of whether the proposal criteria have been met. EPA is clear that the determination of the appropriateness of the Affirmative Defense must be made "in a judicial or administrative proceeding," which affords the public procedural due process right (EPA, Western Resource Advocates and Utah Chapter Sierra Club). COMMENT 4: The draft rule uses the concept of "good industry practice". This is not an appropriate standard measuring of owner/operator actions, as good industry practice might not always be adequate to meet the requirements of the Clean Air Act (EPA). COMMENT 5: It is not appropriate under the Clean Air Act to provide an Affirmative Defense for excess emissions during maintenance activities. Scheduled maintenance should be addressed in the Approval Order (AO) or Permit, or though the variance process (EPA, Utah Chapter Sierra Club, Wasatch Clean Air Coalition, Environmental Integrity Project). COMMENT 6: To protect the integrity of federal performance standards, any Affirmative Defense Rule must not apply to performance standards of the SIP provisions that are derived from federally promulgated performance standards (EPA, Environmental Integrity Project). COMMENT 7: The reference to other rules, approval orders, and permits is overly broad. Any allusion to other rules, approval orders, or permits need to be narrowed considerably (EPA, Wasatch Clean Air Coalition, Environmental Integrity Project). COMMENT 8: To assure protection on the NAAQS, the Affirmative Defense provision for startup/shutdown/malfunction (s/s/m) should also contain provision that limit the Affirmative Defense to areas and pollutants where a single source or small group of sources does not have the potential to cause an exceedance of the National Ambient Air Quality Standards (NAAQS) of Prevention of Significant Deterioration (PSD) increments (EPA, Utah Chapter Sierra Club, Western Resource Advocates). COMMENT 9: The rule should specifically extend the two hour exclusion to all excess emissions (BYU, Environmental Integrity Project). COMMENT 10: Many of the criteria for qualifying for Affirmative Defense are too weak and do not conform to the intent and wording of the criteria in the EPA's September 1999 Policy (EPA, Utah Chapter Sierra

Club, Wasatch Clean Air Coalition, Environmental Integrity Project, Western Resource Advocates). COMMENT 11: Reporting should be required of a certain magnitude of excess emissions of less then two hours duration or of excess emissions of two hours or more (Utah Chapter Sierra Club). COMMENT 12: An electronic reporting system should be implemented so that facilities report their emissions electronically, eliminating the need for paper files, and then reports could be made available to the public through a website (Environmental Integrity Project, Western Resource Advocates and Utah Chapter Sierra Club). COMMENT 13: The existing state rules are sufficient to deal with emissions and emission reporting issues associated with s/s/m in a manner that is consistent both with the Utah Air Conservation Act and the Clean Air Act. Given the adverse nature of the EPA's comments on the UDAQ's proposed Affirmative Defense Rule (ADR), Utah should maintain the existing Unavoidable Breakdown Rule (UBR) without changes (PacificCorp, Utah Industrial Environmental Coalition). COMMENT 14: Imposing additional excess emission and reporting rules beyond the current requirements is not consistent with the Utah Air Conservation Act or the Clean Air Act and thus exceeds the scope of authority granted to the Board to promulgate rules. A state ADR/UBR should not govern where a more specific federal provision applies (PacificCorp, Utah Industrial Environmental Coalition, IPP). COMMENT 15: The EPA Policy is neither statue nor regulation and the UDAQ and the Board should not consider it as such in deciding whether to adopt the rule. Because the EPA Policy was enacted without formal legislative or rulemaking procedures, it is arguable that the EPA Policy exceeds the authority of existing federal regulations (PacificCorp, Utah Industrial Environmental Coalition). COMMENT 16: Clarity is necessary whether an asserted Affirmative Defense will truly be determined objectively or whether the Executive Secretary will subjectively decide whether the defense has been established (PacificCorp). COMMENT 17: In Subsection R307-107-1(1), "scheduled" should be removed from "scheduled maintenance", as some maintenance is scheduled in the sense of planning those periods when a unit may be brought off line to perform intended maintenance activities (PacificCorp, Utah Industrial Environmental Coalition, Kennecott). COMMENT 18: If opacity must be included in the rule, then the reporting requirements should be modified to more clearly state that compliance with this portion of the requirement is not required where NAAQS and PSD increments are not set for a given excess emission (PacificCorp, IPP). COMMENT 19: The word "sudden" is ambiguous in the context of operating extensive and complex equipment such as a power plant (PacificCorp, IPP). COMMENT 20: Subsection R307-107-2(1) states that the rule applies to all sources except where s/s/m standards "are identified in a specific rule, approval order or permit." The approval orders and/or operating permits for each of PacifiCorp's existing generation facilities in Utah contain s/s/m standards that will render Rule R307-107 inapplicable to those facilities as long as approval order and/or operating permits remain in place (PacificCorp). COMMENT 21: The words "could" and "avoided" in Subsection R307-107-2(2) place an impossible burden on sources because it implies an ability to act or avoid independent of the level of money, time, or other resources that might enable that ability (PacificCorp). COMMENT 22: Clarification is needed as to when the three-hour time limit to report an emission exceedance lasting two or more hours must be reported. Questions have also been raised as to the necessity of the three-hour time limit to report excess emission. The rule should specify a time limit that is more realistic, both in the ability of the agency to receive and act on the notification, and of the source to prepare the necessary information in a time period that is not rushed just for the sake of being rushed (PacificCorp, Utah Industrial Environmental Coalition, Kennecott, IPP, Silver Eagle, Graymont Western, Utah Petroleum Association). COMMENT 23: A clarification is needed with the language of the rule to be more specific: "two or more hours" or "more than two hours" (PacificCorp, Utah Industrial Environmental Coalition, Kennecott, IPP, Silver Eagle, Graymont Western, Utah Petroleum Association). COMMENT 24: Clarification is needed as to the proposed deadline for filing for an Affirmative Defense and form that the filing must take (PacificCorp, Utah Industrial Environmental Coalition). COMMENT 25: The time frame for initial verbal reporting and written reporting should be consistent with surrounding Region 8 states (Utah Petroleum Association). COMMENT 26: EPA is obligated to issue a SIP Call detailing any deficiencies that it perceives in Utah's Unavoidable Breakdown Rule. EPA's objection to Utah's existing UBR and Utah's proposed ADR is arbitrary and capricious given similar federal provisions (Utah Industrial Environmental Coalition, IPP). COMMENT 27: Contrary to the EPA's claim, providing a limited and clearly defined exception from noncompliance actually provides a compliance incentive (Utah Industrial Environmental Coalition). COMMENT 28: A demonstration of Affirmative Defense or Unavoidable Breakdown should be available without requiring litigation (Utah Industrial Environmental Coalition). COMMENT 29: The idea of "unavoidable" should be inserted into the definition of malfunction so long as the rule states that the determination of whether a malfunction is reasonably unavoidable will be based in the application of the criteria specified in the rule (Utah Industrial Environmental Coalition). COMMENT 30: "Good Industry Practices" is needed to establish a standard for evaluating whether an owner/operator qualifies for an Affirmative Defense (Utah Industrial Environmental Coalition). COMMENT 31: Elimination of the Affirmative Defense in those instances where NAAQS or PSD increments could potentially be exceeded creates a vague and arbitrary standard (Utah Industrial Environmental Coalition, Kennecott). COMMENT 32: The rule needs to specifically allow for due process and an s/s/m plan (Utah Petroleum Association). COMMENT 33: There will be no increase or decrease in emissions resulting from this proposed rule change (IPP). COMMENT 34: The rule needs to be revised to include an option for sources to develop and follow a facility-specific s/s/m plan (IPP). COMMENT 35: The criteria for asserting an Affirmative Defense are too general, and may be subject to unreasonable interpretation unless specific, measured criteria are agreed to in advance (IPP). COMMENT 36: The rule would be awkward and nonsensical if it did not specify that it is the Executive Secretary who is charged with evaluating an Affirmative Defense (Utah Industrial Environmental Coalition).

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Typically, startups and shutdowns in industrial operations cause more emissions of air pollutants than are emitted during normal operations. Breakdowns in processing equipment can cause excess emissions. The rule is needed to ensure that excess emissions are promptly reported so that the Division of Air Quality can take action to protect public health, and require that the operator do everything possible to reduce excess emissions and thus should be continued.

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:
Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

EFFECTIVE: 09/04/2008

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Public Service Commission, Administration
R746-600
Postretirement Benefits other than Pensions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 31949
FILED: 09/15/2008, 14:45

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: As a part of its ratemaking authority in Section 54-4-1, the Public Service Commission must determine how utility costs, such as postretirement benefits, are accounted for.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last review in September 2003.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary so that the Commission can continue to determine how postretirement benefits are accounted for by the utility companies. Therefore, this rule should be continued.

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sheri Bintz at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Sandy Mooy, Legal Counsel

EFFECTIVE: 09/15/2008

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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. 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 63G-3-301(9).

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Administrative Services
Facilities Construction and Management
No. 31606 (NEW): R23-22. General Procedures For Acquisition and Selling of Real Property.
Published: July 15, 2008
Effective: September 11, 2008

Commerce
Occupational and Professional Licensing
No. 31423 (AMD): R156-37. Utah Controlled Substances Act Rules.
Published: June 1, 2008
Effective: September 9, 2008

No. 31423 (CPR): R156-37. Utah Controlled Substances Act Rules.
Published: August 1, 2008
Effective: September 9, 2008

Environmental Quality
Air Quality
No. 31558 (AMD): R307-150-4. Sulfur Dioxide Milestone Inventory Requirements.
Published: July 1, 2008
Effective: September 4, 2008

Drinking Water
No. 31709 (AMD): R309-515-6. Ground Water - Wells.
Published: August 1, 2008
Effective: September 10, 2008

No. 31710 (AMD): R309-515-6. Ground Water - Wells.
Published: August 1, 2008
Effective: September 10, 2008

Water Quality
No. 31584 (AMD): R317-8. Utah Pollutant Discharge Elimination System (UPDES).
Published: July 1, 2008
Effective: September 10, 2008

Human Services
Recovery Services
No. 31158 (AMD): R527-300. Income Withholding.
Published: May 15, 2008
Effective: September 4, 2008

Insurance
Administration
No. 31652 (AMD): R590-102. Insurance Department Fee Payment Rule.
Published: August 1, 2008
Effective: September 11, 2008

No. 31716 (AMD): R590-176. Health Benefit Plan Enrollment.
Published: August 1, 2008
Effective: September 9, 2008

No. 31653 (NEW): R590-246. Professional Employer Organization (PEO) License Application Rule.
Published: August 1, 2008
Effective: September 11, 2008

Labor Commission
No. 31705 (AMD): R600-2-1. Business Hours.
Published: August 1, 2008
Effective: September 9, 2008

Natural Resources
Forestry, Fire and State Lands
No. 31706 (AMD): R652-90-300. Initiation of Planning Process.
Published: August 1, 2008
Effective: September 10, 2008

Water Rights
No. 31694 (AMD): R655-4. Water Well Drillers.
Published: August 1, 2008
Effective: September 10, 2008

Public Service Commission
Administration
No. 31704 (AMD): R746-360-4. Application of Fund Surcharges to Customer Billings.
Published: August 1, 2008
Effective: October 1, 2008

Tax Commission

Administration

No. 31633 (AMD): R861-1A-16. Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207.
Published: July 15, 2008
Effective: September 9, 2008

No. 31634 (AMD): R861-1A-23. Designation of Adjudicative Proceedings Pursuant to Utah Code Ann. Section 63-46b-4.
Published: July 15, 2008
Effective: September 9, 2008

No. 31635 (AMD): R861-1A-26. Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63-46b 6 through 63-46b-11.
Published: July 15, 2008
Effective: September 9, 2008

No. 31638 (AMD): R861-1A-27. Discovery Pursuant to Utah Code Ann. Section 63-46b-7.
Published: July 15, 2008
Effective: September 9, 2008

Auditing

No. 31632 (AMD): R865-6F-8. Allocation and Apportionment of Net Income (Uniform Division of Income for Tax Purposes Act) Pursuant to Utah Code Ann. Sections 59-7-302 through 59-7-321.
Published: July 15, 2008
Effective: September 9, 2008

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, 2008, including notices of effective date received through September 15, 2008, the effective dates of which are no later than October 1, 2008. 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
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

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R657-3	Collection, Importation, Transportation, and Possession of Zoological Animals	31047	5YR	03/11/2008	2008-7/65
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R657-6	Taking Upland Game	31609	AMD	08/21/2008	2008-14/69
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R657-12-1	Purpose and Authority	31221	NSC	05/05/2008	Not Printed
R657-13	Taking Fish and Crayfish	30676	AMD	01/07/2008	2007-23/61
R657-13-3	Fishing License Requirements and Free Fishing Day	31048	AMD	05/08/2008	2008-7/47
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R657-22-1	Purpose and Authority	31222	NSC	05/05/2008	Not Printed
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R657-52-6	Certificate of Registration Renewal	31227	NSC	05/05/2008	Not Printed
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R657-53	Amphibian and Reptile Collection, Importation, Transportation, and Possession	31051	AMD	05/08/2008	2008-7/50
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R861-1A-42	Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401	30835	AMD	02/25/2008	2008-1/33
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R865-9I-39	Subtraction from Federal Taxable Income for a Dependent Child With a Disability or an Adult With a Disability Pursuant to Utah Code Ann. Sections 59-10-114 and 59-10-501	31464	AMD	08/14/2008	2008-12/46
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R865-9I-50	Addition to Adjusted Gross Income for Interest Earned on Bonds, Notes, and Other Evidences of Indebtedness Pursuant to Utah Code Ann. Section 59-10-114	31532	AMD	08/18/2008	2008-13/114
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RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

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Insurance, Title and Escrow Commission	31339	R592-8	NEW	07/14/2008	2008-10/126
attorneys					
Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
	31363	R25-14	EMR	05/05/2008	2008-10/140
audiology					
Commerce, Occupational and Professional Licensing	31397	R156-41	AMD	07/14/2008	2008-11/65
auditing					
Auditor, Administration	31257	R123-3-1	NSC	05/05/2008	Not Printed
	31260	R123-3-2	NSC	05/05/2008	Not Printed
	31261	R123-3-3	NSC	05/05/2008	Not Printed
automatic fire sprinklers					
Public Safety, Fire Marshal	31088	R710-5	5YR	03/28/2008	2008-8/54
	30896	R710-5-1	AMD	03/10/2008	2008-3/51
	31080	R710-5-3	AMD	05/23/2008	2008-8/35
automobile repair					
Commerce, Consumer Protection	31215	R152-20	NSC	05/05/2008	Not Printed
automobiles					
Commerce, Administration	31354	R151-14-3	NSC	05/05/2008	Not Printed
Commerce, Consumer Protection	31215	R152-20	NSC	05/05/2008	Not Printed
background checks					
Human Services, Substance Abuse and Mental Health, State Hospital	31448	R525-5	5YR	05/19/2008	2008-12/57
bait and switch					
Commerce, Consumer Protection	31213	R152-11	NSC	05/05/2008	Not Printed
banks and banking					
Human Services, Recovery Services	30982	R527-928	AMD	04/07/2008	2008-5/26
bear					
Natural Resources, Wildlife Resources	30906	R657-33	AMD	03/10/2008	2008-3/44
bed allocations					
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed

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Health, Health Care Financing, Coverage and Reimbursement Policy	30921	R414-302	5YR	01/25/2008	2008-4/43
Labor Commission, Industrial Accidents	31230	R612-3	5YR	04/28/2008	2008-10/149
bicycles					
Regents (Board Of), University of Utah, Administration	31695	R805-1	5YR	07/11/2008	2008-15/105
big game seasons					
Natural Resources, Wildlife Resources	30829	R657-5	AMD	02/07/2008	2008-1/18
birds					
Natural Resources, Wildlife Resources	31609	R657-6	AMD	08/21/2008	2008-14/69
birth defect reporting					
Health, Community and Family Health Services, Children with Special Health Care Needs	31070	R398-5	AMD	07/03/2008	2008-8/16
birth defects					
Health, Community and Family Health Services, Children with Special Health Care Needs	31070	R398-5	AMD	07/03/2008	2008-8/16
board meetings					
Environmental Quality, Administration	30506	R305-3	NSC	02/15/2008	Not Printed
	30766	R305-3	REP	02/15/2008	2007-24/6
boards					
Administrative Services, Finance	31317	R25-5	5YR	04/29/2008	2008-10/143
boating					
Natural Resources, Parks and Recreation	30900	R651-205-17	AMD	03/10/2008	2008-3/36
boilers					
Labor Commission, Safety	31246	R616-2	NSC	05/05/2008	Not Printed
bonds					
Money Management Council, Administration	31587	R628-18	NSC	08/25/2008	Not Printed
Treasurer, Unclaimed Property	30596	R966-1-2	AMD	01/07/2008	2007-22/87
boxing					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31028	R859-1	AMD	05/01/2008	2008-6/15
	31172	R859-1-102	NSC	06/18/2008	Not Printed
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31566	R859-1-501	AMD	09/01/2008	2008-13/106
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
breakdown					
Environmental Quality, Air Quality	31426	R307-107	NSC	09/04/2008	Not Printed
breakdowns					
Environmental Quality, Air Quality	31927	R307-107	5YR	09/04/2008	2008-19/80

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	31784	R477-8	AMD	09/22/2008	2008-16/19
	30778	R477-8-5	AMD	01/22/2008	2007-24/16
brine shrimp					
Natural Resources, Wildlife Resources	31227	R657-52-6	NSC	05/05/2008	Not Printed
broadband					
Governor, Economic Development	30788	R357-2	NEW	01/30/2008	2007-24/9
	30859	R357-2-7	NSC	01/30/2008	Not Printed
budgeting					
Health, Health Care Financing, Coverage and Reimbursement Policy	30652	R414-304	AMD	01/28/2008	2007-23/54
	30924	R414-304	5YR	01/25/2008	2008-4/44
	31622	R414-304	AMD	09/01/2008	2008-14/49
building codes					
Commerce, Occupational and Professional Licensing	30574	R156-56	AMD	01/01/2008	2007-21/38
	31139	R156-56	AMD	07/01/2008	2008-9/23
	30573	R156-56-420	AMD	01/01/2008	2007-21/57
	31142	R156-56-701	AMD	07/01/2008	2008-9/30
	31626	R156-56-801	NSC	07/01/2008	Not Printed
building inspection					
Commerce, Occupational and Professional Licensing	30574	R156-56	AMD	01/01/2008	2007-21/38
	31139	R156-56	AMD	07/01/2008	2008-9/23
	30573	R156-56-420	AMD	01/01/2008	2007-21/57
	31142	R156-56-701	AMD	07/01/2008	2008-9/30
	31626	R156-56-801	NSC	07/01/2008	Not Printed
burglar alarms					
Commerce, Occupational and Professional Licensing	31181	R156-55d	NSC	05/05/2008	Not Printed
	31588	R156-55d	NSC	08/25/2008	Not Printed
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Natural Resources, Forestry, Fire and State Lands	31112	R652-120	NSC	05/01/2008	Not Printed
capacity development					
Environmental Quality, Drinking Water	31157	R309-352	5YR	04/18/2008	2008-10/144
capital punishment					
Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
	31363	R25-14	EMR	05/05/2008	2008-10/140
Pardons (Board Of), Administration	31827	R671-312	5YR	08/14/2008	2008-17/77
capitol preservation					
Capitol Preservation Board (State), Administration	30591	R131-1	AMD	02/29/2008	2007-21/11

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Public Safety, Peace Officer Standards and Training	31648	R728-501	5YR	07/01/2008	2008-14/142
career education					
Education, Administration	30885	R277-718	5YR	01/08/2008	2008-3/75
case management					
Health, Health Care Financing, Coverage and Reimbursement Policy	31169	R414-6	5YR	04/21/2008	2008-10/145
	31493	R414-6	AMD	07/22/2008	2008-12/23
caseworker training					
Human Services, Child and Family Services	31043	R512-204	NEW	05/08/2008	2008-7/31
CERCLA					
Environmental Quality, Environmental Response and Remediation	30567	R311-401-2	AMD	01/02/2008	2007-21/59
cerfitication					
Labor Commission, Safety	31253	R616-3	NSC	05/05/2008	Not Printed
certificate of registration					
Natural Resources, Wildlife Resources	31399	R657-45	5YR	05/08/2008	2008-11/127
	31050	R657-45-2	AMD	05/08/2008	2008-7/49
certification					
Labor Commission, Safety	31233	R616-1	5YR	04/28/2008	2008-10/150
	31249	R616-1	NSC	05/05/2008	Not Printed
	31246	R616-2	NSC	05/05/2008	Not Printed
	30943	R616-3-3	AMD	03/24/2008	2008-4/21
certification of instructors					
Human Services, Substance Abuse and Mental Health	31352	R523-22-9	NSC	05/05/2008	Not Printed
certifications					
Transportation, Motor Carrier	30785	R909-19	AMD	02/12/2008	2007-24/26
charities					
Commerce, Consumer Protection	31216	R152-22-9	NSC	05/05/2008	Not Printed
Tax Commission, Auditing	31531	R865-19S-94	AMD	08/18/2008	2008-13/115
	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
charter schools					
Education, Administration	30846	R277-470-7	AMD	02/07/2008	2008-1/9
child abuse					
Human Services, Child and Family Services	30720	R512-20	NSC	01/07/2008	Not Printed
	30716	R512-20	REP	01/07/2008	2007-23/58

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	31858	R512-201	5YR	08/20/2008	2008-18/71
	31859	R512-202	5YR	08/20/2008	2008-18/72
	31043	R512-204	NEW	05/08/2008	2008-7/31
	31860	R512-300	5YR	08/20/2008	2008-18/72
	31861	R512-301	5YR	08/20/2008	2008-18/73
child care					
Health, Health Systems Improvement, Child Care Licensing	31057	R430-90	R&R	09/01/2008	2008-7/16
Workforce Services, Employment Development	31364	R986-700	AMD	07/02/2008	2008-10/136
	31033	R986-700	AMD	05/01/2008	2008-6/21
	31499	R986-700-752	NSC	07/02/2008	Not Printed
child care facilities					
Health, Health Systems Improvement, Child Care Licensing	31537	R430-4	5YR	06/06/2008	2008-13/148
	31538	R430-50	5YR	06/06/2008	2008-13/149
	31056	R430-50	R&R	09/01/2008	2008-7/4
	31056	R430-50	CPR	09/01/2008	2008-13/119
	31539	R430-60	5YR	06/06/2008	2008-13/149
	31540	R430-90	5YR	06/06/2008	2008-13/150
	31057	R430-90	R&R	09/01/2008	2008-7/16
	31057	R430-90	CPR	09/01/2008	2008-13/129
child support					
Human Services, Administration	31465	R495-879	NSC	06/18/2008	Not Printed
Human Services, Recovery Services	31432	R527-3	NSC	08/18/2008	Not Printed
	31151	R527-34	AMD	06/09/2008	2008-9/43
	30891	R527-39	5YR	01/10/2008	2008-3/78
	31498	R527-39-2	NSC	06/18/2008	Not Printed
	30939	R527-56	5YR	01/31/2008	2008-4/46
	31134	R527-56	AMD	06/09/2008	2008-9/44
	31409	R527-200	NSC	08/18/2008	Not Printed
	31542	R527-201	NSC	08/19/2008	Not Printed
	31061	R527-231	AMD	05/15/2008	2008-7/32
	31562	R527-255	AMD	08/13/2008	2008-13/82
	31133	R527-257	REP	06/09/2008	2008-9/45
	31054	R527-258	AMD	05/14/2008	2008-7/33
	31152	R527-260	NEW	07/01/2008	2008-9/46
	31158	R527-300	AMD	09/04/2008	2008-10/118
	31867	R527-301	5YR	08/21/2008	2008-18/75
	31163	R527-302	AMD	06/25/2008	2008-10/120
	30978	R527-305	5YR	02/12/2008	2008-5/58
	31025	R527-305	AMD	04/21/2008	2008-6/8
	30905	R527-430	5YR	01/14/2008	2008-3/78
	31161	R527-475	5YR	04/21/2008	2008-10/147
	31162	R527-475	AMD	06/25/2008	2008-10/121

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	31384	R527-601-1	NSC	08/18/2008	Not Printed
	31159	R527-920	NEW	06/27/2008	2008-10/122
child welfare					
Human Services, Child and Family Services	30720	R512-20	NSC	01/07/2008	Not Printed
	30716	R512-20	REP	01/07/2008	2007-23/58
	31741	R512-41	AMD	07/23/2008	2008-16/21
	31742	R512-43	AMD	09/23/2008	2008-16/24
	31856	R512-100	5YR	08/20/2008	2008-18/70
	31857	R512-200	5YR	08/20/2008	2008-18/71
	31858	R512-201	5YR	08/20/2008	2008-18/71
	31859	R512-202	5YR	08/20/2008	2008-18/72
	31043	R512-204	NEW	05/08/2008	2008-7/31
	31860	R512-300	5YR	08/20/2008	2008-18/72
	31861	R512-301	5YR	08/20/2008	2008-18/73
	31862	R512-302	5YR	08/20/2008	2008-18/73
	31863	R512-305	5YR	08/20/2008	2008-18/74
	31864	R512-500	5YR	08/20/2008	2008-18/74
	31590	R512-500	R&R	08/21/2008	2008-14/57
	31589	R512-500	EMR	06/18/2008	2008-14/123
children's health benefits					
Health, Children's Health Insurance Program	31503	R382-1	5YR	05/30/2008	2008-12/53
	31357	R382-10	AMD	07/01/2008	2008-10/55
	31454	R382-10	5YR	05/19/2008	2008-12/53
childs support					
Human Services, Recovery Services	31160	R527-302	5YR	04/21/2008	2008-10/147
CHIP					
Health, Health Care Financing, Coverage and Reimbursement Policy	31358	R414-320	AMD	07/01/2008	2008-10/68
chronically ill					
Corrections, Administration	30803	R251-114	NEW	03/11/2008	2008-1/6
citation monitoring service					
Public Safety, Driver License	31123	R708-44-4	NSC	05/05/2008	Not Printed
civil rights					
Natural Resources, Administration	30875	R634-1	NSC	01/25/2008	Not Printed
	30923	R634-1	5YR	01/25/2008	2008-4/47
Civil Rights Act 1964					
Human Services, Administration	31367	R495-878	NSC	05/05/2008	Not Printed
	31067	R495-878	AMD	06/13/2008	2008-8/23
Class I area					
Environmental Quality, Air Quality	30431	R307-405	AMD	01/11/2008	2007-19/15

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Public Safety, Driver License	31436	R708-10	AMD	07/08/2008	2008-11/116
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Community and Culture, Home Energy Assistance Target (HEAT)	31331	R195-1	NSC	05/05/2008	Not Printed
Health, Health Care Financing, Coverage and Reimbursement Policy	30936	R414-301	5YR	01/31/2008	2008-4/43
coal mines					
Natural Resources, Oil, Gas and Mining; Coal	30932	R645-100-200	AMD	03/26/2008	2008-4/23
	31204	R645-100-500	NSC	05/05/2008	Not Printed
	31756	R645-101	5YR	07/28/2008	2008-16/71
	31509	R645-102	5YR	06/02/2008	2008-12/58
	31757	R645-104	5YR	07/28/2008	2008-16/72
	30934	R645-300-100	AMD	03/26/2008	2008-4/24
	30933	R645-301	AMD	03/26/2008	2008-4/25
	31758	R645-401	5YR	07/28/2008	2008-16/72
colleges					
Regents (Board Of), Administration	31325	R765-134	NSC	05/05/2008	Not Printed
	31631	R765-134-5	NSC	08/25/2008	Not Printed
	31515	R765-555	5YR	06/02/2008	2008-12/64
	31104	R765-555	NSC	06/02/2008	Not Printed
	31327	R765-993	NSC	05/05/2008	Not Printed
commerce					
Commerce, Corporations and Commercial Code	30642	R154-10	REP	03/03/2008	2007-22/16
commercial motor vehicle insurance					
Insurance, Administration	30490	R590-243	NEW	01/11/2008	2007-20/28
commercialization					
Natural Resources, Wildlife Resources	31227	R657-52-6	NSC	05/05/2008	Not Printed
communicable diseases					
Health, Epidemiology and Laboratory Services, Epidemiology	31099	R386-702-12	AMD	06/11/2008	2008-8/5
complaint procedures					
Corrections, Administration	30713	R251-112	AMD	03/11/2008	2007-23/19
complaints					
Education, Administration	31517	R277-104	5YR	06/02/2008	2008-12/50
Human Services, Substance Abuse and Mental Health, State Hospital	31451	R525-7	5YR	05/19/2008	2008-12/57
Public Service Commission, Administration	31370	R746-500	NSC	05/05/2008	Not Printed
	31791	R746-500	5YR	08/04/2008	2008-17/82
concealed firearm permit					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	31349	R722-300	NSC	05/01/2008	Not Printed
	30928	R722-300	NSC	05/01/2008	Not Printed

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conduct					
Professional Practices Advisory Commission, Administration	30951	R686-100	5YR	02/04/2008	2008-5/59
confidential testimony					
Pardons (Board Of), Administration	31825	R671-520	5YR	08/14/2008	2008-17/79
confidentiality of information					
Administrative Services, Administration	31343	R13-2	NSC	05/05/2008	Not Printed
Community and Culture, Home Energy Assistance Target (HEAT)	31331	R195-1	NSC	05/05/2008	Not Printed
Environmental Quality, Air Quality	30960	R307-102	5YR	02/08/2008	2008-5/40
	31462	R307-102	NSC	06/18/2008	Not Printed
Human Resource Management, Administration	31187	R477-2	AMD	07/01/2008	2008-10/84
Regents (Board Of), College of Eastern Utah	31410	R767-1	NSC	08/18/2008	Not Printed
conflict of interest					
Human Resource Management, Administration	31194	R477-9	AMD	07/01/2008	2008-10/104
consumer protection					
Commerce, Consumer Protection	31184	R152-1	NSC	05/05/2008	Not Printed
	31213	R152-11	NSC	05/05/2008	Not Printed
	31214	R152-15-2	NSC	05/05/2008	Not Printed
	31215	R152-20	NSC	05/05/2008	Not Printed
	31216	R152-22-9	NSC	05/05/2008	Not Printed
	31217	R152-23-1	NSC	05/05/2008	Not Printed
contamination					
Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10
contests					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31172	R859-1-102	NSC	06/18/2008	Not Printed
	31566	R859-1-501	AMD	09/01/2008	2008-13/106
continuing					
Pardons (Board Of), Administration	31824	R671-522	5YR	08/14/2008	2008-17/80
continuing education					
Commerce, Real Estate	31277	R162-9	AMD	06/23/2008	2008-10/48
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Commerce, Occupational and Professional Licensing	30715	R156-26a	AMD	03/31/2008	2007-23/4
	30715	R156-26a	CPR	03/31/2008	2008-4/35
	31763	R156-26a	AMD	09/23/2008	2008-16/5
continuous monitoring					
Environmental Quality, Air Quality	30962	R307-170	5YR	02/08/2008	2008-5/41
	30699	R307-170-7	AMD	02/08/2008	2007-23/29

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Commerce, Occupational and Professional Licensing	30654	R156-38a	AMD	01/07/2008	2007-23/14
	31176	R156-38a-105a	NSC	05/05/2008	Not Printed
	31292	R156-55a	AMD	06/24/2008	2008-10/42
	30892	R156-55a	AMD	03/11/2008	2008-3/3
	31616	R156-55a-102	NSC	08/25/2008	Not Printed
	30574	R156-56	AMD	01/01/2008	2007-21/38
	31139	R156-56	AMD	07/01/2008	2008-9/23
	30573	R156-56-420	AMD	01/01/2008	2007-21/57
	31142	R156-56-701	AMD	07/01/2008	2008-9/30
	31626	R156-56-801	NSC	07/01/2008	Not Printed
Transportation, Administration	31963	R907-67	5YR	09/18/2008	Not Printed
contracts					
Capitol Preservation Board (State), Administration	30590	R131-4	R&R	02/29/2008	2007-21/13
	30952	R251-304	5YR	02/05/2008	2008-5/39
	30980	R251-304	AMD	05/20/2008	2008-5/15
	31587	R628-18	NSC	08/25/2008	Not Printed
controlled substances					
Commerce, Occupational and Professional Licensing	31423	R156-37	AMD	09/09/2008	2008-11/62
	31423	R156-37	CPR	09/09/2008	2008-15/84
convictions					
Pardons (Board Of), Administration	31822	R671-518	5YR	08/14/2008	2008-17/79
cooperative agreement					
Natural Resources, Forestry, Fire and State Lands	31109	R652-122-100	NSC	05/01/2008	Not Printed
cooperative wildlife management unit					
Natural Resources, Wildlife Resources	31401	R657-37	5YR	05/08/2008	2008-11/126
corrections					
Corrections, Administration	30952	R251-304	5YR	02/05/2008	2008-5/39
	30980	R251-304	AMD	05/20/2008	2008-5/15
cosmetologists/barbers					
Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
costs					
Administrative Services, Finance	31316	R25-6	5YR	04/29/2008	2008-10/143
Financial Institutions, Administration	31315	R331-22-1	NSC	05/05/2008	Not Printed
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Agriculture and Food, Regulatory Services	31430	R70-560	AMD	07/25/2008	2008-11/47
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Commerce, Occupational and Professional Licensing	31516	R156-74	AMD	07/22/2008	2008-12/7

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Health, Health Care Financing, Coverage and Reimbursement Policy	31356	R414-310	AMD	07/01/2008	2008-10/66
credit scoring					
Insurance, Administration	31525	R590-219	5YR	06/04/2008	2008-13/150
criminal charges					
Pardons (Board Of), Administration	31822	R671-518	5YR	08/14/2008	2008-17/79
criminal investigation					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	31434	R722-320	5YR	05/14/2008	2008-11/127
	30929	R722-320	NSC	05/14/2008	Not Printed
critical languages					
Education, Administration	31442	R277-488	AMD	07/08/2008	2008-11/72
cultural resources					
Natural Resources, Forestry, Fire and State Lands	31271	R652-60-1000	NSC	05/05/2008	Not Printed
curricula					
Education, Administration	30882	R277-700	5YR	01/08/2008	2008-3/74
	30977	R277-703-6	NSC	02/27/2008	Not Printed
custody of children					
Human Services, Administration	31465	R495-879	NSC	06/18/2008	Not Printed
data standards					
Education, Administration	31520	R277-484	5YR	06/02/2008	2008-12/52
	31005	R277-484	AMD	04/11/2008	2008-5/17
deadlines					
Education, Administration	31520	R277-484	5YR	06/02/2008	2008-12/52
	31005	R277-484	AMD	04/11/2008	2008-5/17
declaratory orders					
Auditor, Administration	31262	R123-4-1	NSC	05/05/2008	Not Printed
	31263	R123-4-2	NSC	05/05/2008	Not Printed
	31265	R123-4-5	NSC	05/05/2008	Not Printed
	31266	R123-4-6	NSC	05/05/2008	Not Printed
	31267	R123-4-7	NSC	05/05/2008	Not Printed
	31281	R380-1	NSC	05/05/2008	Not Printed
	31282	R380-5	NSC	05/05/2008	Not Printed
	31232	R600-1	5YR	04/28/2008	2008-10/148
	31237	R600-1	NSC	05/05/2008	Not Printed
definitions					
Environmental Quality, Air Quality	30697	R307-101	AMD	02/08/2008	2007-23/21
	30959	R307-101	5YR	02/08/2008	2008-5/40

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	30774	R313-12-111	AMD	04/11/2008	2007-24/8
	30774	R313-12-111	CPR	04/11/2008	2008-5/34
Human Resource Management, Administration	31186	R477-1	AMD	07/01/2008	2008-10/79
	31211	R477-13	NSC	06/19/2008	Not Printed
Workforce Services, Unemployment Insurance	31467	R994-201	5YR	05/20/2008	2008-12/64
demonstration					
Health, Health Care Financing, Coverage and Reimbursement Policy	31356	R414-310	AMD	07/01/2008	2008-10/66
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Health, Health Care Financing, Coverage and Reimbursement Policy	31452	R414-51	5YR	05/19/2008	2008-12/53
dental hygienists					
Commerce, Occupational and Professional Licensing	31136	R156-69	AMD	06/09/2008	2008-9/35
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Commerce, Occupational and Professional Licensing	31136	R156-69	AMD	06/09/2008	2008-9/35
developmentally disabled					
Commerce, Administration	31346	R151-3-1	NSC	05/05/2008	Not Printed
	31367	R495-878	NSC	05/05/2008	Not Printed
	31067	R495-878	AMD	06/13/2008	2008-8/23
	31535	R861-1A-1	AMD	08/18/2008	2008-13/110
	31536	R861-1A-3	AMD	08/18/2008	2008-13/111
	31386	R861-1A-13	NSC	08/18/2008	Not Printed
	31633	R861-1A-16	AMD	09/09/2008	2008-14/96
	30688	R861-1A-20	AMD	01/11/2008	2007-23/68
	31394	R861-1A-22	NSC	08/18/2008	Not Printed
	31634	R861-1A-23	AMD	09/09/2008	2008-14/98
	30589	R861-1A-24	AMD	01/11/2008	2007-21/69
	31395	R861-1A-24	NSC	08/18/2008	Not Printed
	30717	R861-1A-26	AMD	01/11/2008	2007-23/69
	31635	R861-1A-26	AMD	09/09/2008	2008-14/99
	31638	R861-1A-27	AMD	09/09/2008	2008-14/101
	31403	R861-1A-28	NSC	08/18/2008	Not Printed
	31404	R861-1A-29	NSC	08/18/2008	Not Printed
	31406	R861-1A-30	NSC	08/18/2008	Not Printed
	31407	R861-1A-31	NSC	08/18/2008	Not Printed
	31412	R861-1A-32	NSC	08/18/2008	Not Printed
	30838	R861-1A-40	AMD	02/25/2008	2008-1/32
	30835	R861-1A-42	AMD	02/25/2008	2008-1/33
	30780	R861-1A-43	AMD	01/25/2008	2007-24/24
dietitians					
Commerce, Occupational and Professional Licensing	31180	R156-49	NSC	05/05/2008	Not Printed
	31073	R156-49	5YR	03/24/2008	2008-8/52

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	30926	R539-1-8	EMR	01/28/2008	2008-4/38
	31084	R539-9	AMD	05/22/2008	2008-8/26
	31593	R539-15	NEW	08/21/2008	2008-14/60
	31594	R539-15	EMR	07/01/2008	2008-14/126
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Health, Community and Family Health Services, Children with Special Health Care Needs	31783	R398-20	5YR	07/31/2008	2008-16/68
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Corrections, Administration	30713	R251-112	AMD	03/11/2008	2007-23/19
	31517	R277-104	5YR	06/02/2008	2008-12/50
	31285	R380-100	NSC	05/05/2008	Not Printed
Natural Resources, Wildlife Resources	30777	R657-12	AMD	01/22/2008	2007-24/19
	31221	R657-12-1	NSC	05/05/2008	Not Printed
Public Service Commission, Administration	31370	R746-500	NSC	05/05/2008	Not Printed
	31791	R746-500	5YR	08/04/2008	2008-17/82
disables					
Human Services, Aging and Adult Services	31027	R510-105	5YR	02/27/2008	2008-6/26
discharge					
Environmental Quality, Water Quality	30636	R317-14	NEW	02/04/2008	2007-22/62
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Environmental Quality, Water Quality	31584	R317-8	AMD	09/10/2008	2008-13/47
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	30958	R277-609-5	NSC	02/29/2008	Not Printed
	31521	R686-101	5YR	06/02/2008	2008-12/62
	31522	R686-102	5YR	06/02/2008	2008-12/62
	31016	R686-103	REP	04/21/2008	2008-6/12
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Education, Administration	31518	R277-436	5YR	06/02/2008	2008-12/51
discipline of employees					
Human Resource Management, Administration	31209	R477-11	AMD	07/01/2008	2008-10/108
	31621	R477-14	AMD	08/21/2008	2008-14/51
disclosure requirements					
Tax Commission, Administration	31535	R861-1A-1	AMD	08/18/2008	2008-13/110
	31536	R861-1A-3	AMD	08/18/2008	2008-13/111
	31386	R861-1A-13	NSC	08/18/2008	Not Printed

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	31394	R861-1A-22	NSC	08/18/2008	Not Printed
	31634	R861-1A-23	AMD	09/09/2008	2008-14/98
	30589	R861-1A-24	AMD	01/11/2008	2007-21/69
	31395	R861-1A-24	NSC	08/18/2008	Not Printed
	30717	R861-1A-26	AMD	01/11/2008	2007-23/69
	31635	R861-1A-26	AMD	09/09/2008	2008-14/99
	31638	R861-1A-27	AMD	09/09/2008	2008-14/101
	31403	R861-1A-28	NSC	08/18/2008	Not Printed
	31404	R861-1A-29	NSC	08/18/2008	Not Printed
	31406	R861-1A-30	NSC	08/18/2008	Not Printed
	31407	R861-1A-31	NSC	08/18/2008	Not Printed
	31412	R861-1A-32	NSC	08/18/2008	Not Printed
	30838	R861-1A-40	AMD	02/25/2008	2008-1/32
	30835	R861-1A-42	AMD	02/25/2008	2008-1/33
	30780	R861-1A-43	AMD	01/25/2008	2007-24/24
discretion clauses					
Insurance, Administration	30897	R590-218	5YR	01/11/2008	2008-3/80
discrimination					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	31241	R606-1	NSC	05/05/2008	Not Printed
	31242	R606-2	NSC	05/05/2008	Not Printed
Labor Commission, Antidiscrimination and Labor, Fair Housing	31240	R608-1	NSC	05/05/2008	Not Printed
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Human Resource Management, Administration	31209	R477-11	AMD	07/01/2008	2008-10/108
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Education, Administration	30958	R277-609-5	NSC	02/29/2008	Not Printed
diversion programs					
Commerce, Occupational and Professional Licensing	31288	R156-1	AMD	06/23/2008	2008-10/30
	30655	R156-1-102a	AMD	01/08/2008	2007-23/3
domestic violence					
Human Services, Child and Family Services	31857	R512-200	5YR	08/20/2008	2008-18/71
	31858	R512-201	5YR	08/20/2008	2008-18/71
	31859	R512-202	5YR	08/20/2008	2008-18/72
	31860	R512-300	5YR	08/20/2008	2008-18/72
	31861	R512-301	5YR	08/20/2008	2008-18/73
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Environmental Quality, Drinking Water	31157	R309-352	5YR	04/18/2008	2008-10/144
	31709	R309-515-6	AMD	09/10/2008	2008-15/26
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driver education					
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	31040	R277-747	5YR	03/03/2008	2008-7/64
Public Safety, Driver License	31545	R708-2	R&R	08/08/2008	2008-13/87
	31105	R708-2-25	NSC	05/05/2008	Not Printed
	31113	R708-18-1	NSC	05/05/2008	Not Printed
driver license					
Human Services, Recovery Services	31152	R527-260	NEW	07/01/2008	2008-9/46
Public Safety, Driver License	31119	R708-36-1	NSC	05/05/2008	Not Printed
	31123	R708-44-4	NSC	05/05/2008	Not Printed
driver license verification					
Public Safety, Driver License	31122	R708-43	NSC	05/05/2008	Not Printed
driver training					
Public Safety, Driver License	31120	R708-37-11	NSC	05/05/2008	Not Printed
drug abuse					
Human Resource Management, Administration	31621	R477-14	AMD	08/21/2008	2008-14/51
drug/alcohol education					
Human Resource Management, Administration	31621	R477-14	AMD	08/21/2008	2008-14/51
dual employment					
Human Resource Management, Administration	31193	R477-8	AMD	07/01/2008	2008-10/101
	31784	R477-8	AMD	09/22/2008	2008-16/19
	30778	R477-8-5	AMD	01/22/2008	2007-24/16
due process					
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed
DUI programs					
Human Services, Substance Abuse and Mental Health	31352	R523-22-9	NSC	05/05/2008	Not Printed
durable medical equipment					
Health, Health Care Financing, Coverage and Reimbursement Policy	31505	R414-70	R&R	08/04/2008	2008-12/24
early intervention					
Health, Community and Family Health Services, Children with Special Health Care Needs	31783	R398-20	5YR	07/31/2008	2008-16/68
economic development					
Governor, Economic Development	31153	R357-3	NEW	06/18/2008	2008-9/37
education					
Commerce, Consumer Protection	31218	R152-34-10	NSC	05/05/2008	Not Printed

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	30884	R277-709	5YR	01/08/2008	2008-3/75
	30885	R277-718	5YR	01/08/2008	2008-3/75
	30888	R277-730	5YR	01/08/2008	2008-3/77
Health, Community and Family Health Services, Children with Special Health Care Needs	31783	R398-20	5YR	07/31/2008	2008-16/68
education finance					
Education, Administration	31574	R277-419	AMD	08/07/2008	2008-13/12
	30845	R277-423	AMD	02/07/2008	2008-1/8
	31576	R277-451	REP	08/07/2008	2008-13/19
educational administration					
Education, Administration	31573	R277-116-1	AMD	08/07/2008	2008-13/11
educational facilities					
Education, Administration	31576	R277-451	REP	08/07/2008	2008-13/19
	31441	R277-471	AMD	07/08/2008	2008-11/70
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Regents (Board Of), Administration	31515	R765-555	5YR	06/02/2008	2008-12/64
	31104	R765-555	NSC	06/02/2008	Not Printed
educational testing					
Education, Administration	30883	R277-702	5YR	01/08/2008	2008-3/74
educational tuition					
Human Resource Management, Administration	31195	R477-10	AMD	07/01/2008	2008-10/106
educator					
Education, Administration	31572	R277-110	AMD	08/07/2008	2008-13/9
	30976	R277-515-3	NSC	02/27/2008	Not Printed
	31580	R277-515-4	AMD	08/07/2008	2008-13/28
educator licensing					
Education, Administration	30944	R277-502	AMD	03/24/2008	2008-4/6
	31579	R277-502-6	AMD	08/07/2008	2008-13/27
	30878	R277-518	5YR	01/08/2008	2008-3/72
educators					
Professional Practices Advisory Commission, Administration	31016	R686-103	REP	04/21/2008	2008-6/12
effluent standards					
Environmental Quality, Water Quality	30639	R317-1-4	AMD	02/04/2008	2007-22/52
	30637	R317-13	NEW	02/04/2008	2007-22/61
eldercare					
Human Services, Aging and Adult Services	31378	R510-110-5	NSC	05/05/2008	Not Printed
elderly					
Human Services, Aging and Adult Services	31379	R510-200-3	NSC	05/05/2008	Not Printed

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	30969	R307-224	5YR	02/08/2008	2008-5/45
	30704	R307-224-2	AMD	02/08/2008	2007-23/39
electric utility industries					
Public Service Commission, Administration	31617	R746-210	5YR	06/24/2008	2008-14/143
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Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
electronic commerce					
Commerce, Corporations and Commercial Code	30642	R154-10	REP	03/03/2008	2007-22/16
electronic communication					
Commerce, Corporations and Commercial Code	30642	R154-10	REP	03/03/2008	2007-22/16
electronic funds transfer					
Human Services, Recovery Services	31159	R527-920	NEW	06/27/2008	2008-10/122
electronic meetings					
Agriculture and Food, Conservation and Resource Management	31079	R64-2	NEW	06/03/2008	2008-8/4
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Commerce, Occupational and Professional Licensing	31177	R156-38b-703	NSC	05/05/2008	Not Printed
elevators					
Labor Commission, Safety	31253	R616-3	NSC	05/05/2008	Not Printed
	30943	R616-3-3	AMD	03/24/2008	2008-4/21
eligibility					
Health, Health Care Financing, Coverage and Reimbursement Policy	30938	R414-308	5YR	01/31/2008	2008-4/46
	30927	R414-308-7	AMD	04/01/2008	2008-4/16
Human Services, Child and Family Services	30721	R512-50	NSC	01/07/2008	Not Printed
	30718	R512-50	REP	01/07/2008	2007-23/60
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Health, Health Systems Improvement, Emergency Medical Services	31068	R426-5-3	AMD	06/04/2008	2008-8/17
	30758	R426-6	AMD	02/07/2008	2007-24/14
	31069	R426-7-3	AMD	07/31/2008	2008-8/18
	31096	R426-8-4	AMD	06/05/2008	2008-8/22
	30954	R426-15-203	AMD	06/24/2008	2008-5/19
emergency meetings					
Environmental Quality, Administration	30506	R305-3	NSC	02/15/2008	Not Printed
	30766	R305-3	REP	02/15/2008	2007-24/6
emergency vehicles					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	30930	R722-340	NSC	05/14/2008	Not Printed

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	31782	R477-6-4	AMD	09/22/2008	2008-16/14
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Human Resource Management, Administration	31195	R477-10	AMD	07/01/2008	2008-10/106
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Human Resource Management, Administration	31195	R477-10	AMD	07/01/2008	2008-10/106
employees' rights					
Human Resource Management, Administration	31210	R477-12	AMD	07/01/2008	2008-10/110
employer					
Labor Commission, Industrial Accidents	31229	R612-5	5YR	04/28/2008	2008-10/149
employment					
Human Resource Management, Administration	31189	R477-4	AMD	07/01/2008	2008-10/88
	31190	R477-5	AMD	07/01/2008	2008-10/90
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	31241	R606-1	NSC	05/05/2008	Not Printed
	31242	R606-2	NSC	05/05/2008	Not Printed
Workforce Services, Unemployment Insurance	31468	R994-202	5YR	05/20/2008	2008-12/65
employment agencies					
Labor Commission, Antidiscrimination and Labor, Labor	31438	R610-4	REP	07/08/2008	2008-11/101
	31239	R610-4	NSC	05/05/2008	Not Printed
endangered species					
Natural Resources, Forestry, Fire and State Lands	31112	R652-120	NSC	05/01/2008	Not Printed
energy					
Natural Resources, Geological Survey	30902	R638-2-6	AMD	03/10/2008	2008-3/35
energy utility					
Public Service Commission, Administration	31072	R746-440	NSC	04/11/2008	Not Printed
enforcement					
Natural Resources, Water Rights	31431	R655-14	AMD	07/08/2008	2008-11/104
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Lieutenant Governor, Administration	31844	R622-1	5YR	08/19/2008	2008-18/75
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Administrative Services, Facilities Construction and Management	31098	R23-2	AMD	07/14/2008	2008-8/2
Capitol Preservation Board (State), Administration	30591	R131-1	AMD	02/29/2008	2007-21/11
Commerce, Occupational and Professional Licensing	31175	R156-22-305	NSC	05/05/2008	Not Printed

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	31326	R765-136	NSC	05/05/2008	Not Printed
enrollment					
Education, Administration	31037	R277-485	5YR	03/03/2008	2008-7/63
enrollment options					
Education, Administration	31575	R277-437	R&R	08/07/2008	2008-13/16
enterprise zones					
Tax Commission, Auditing	31458	R865-9I-4	AMD	08/14/2008	2008-12/43
	31530	R865-9I-6	AMD	08/18/2008	2008-13/113
	31459	R865-9I-11	AMD	08/14/2008	2008-12/44
	31460	R865-9I-12	AMD	08/14/2008	2008-12/45
	31463	R865-9I-13	AMD	08/14/2008	2008-12/45
	30916	R865-9I-37	AMD	03/14/2008	2008-3/63
	31413	R865-9I-37	NSC	08/18/2008	Not Printed
	31464	R865-9I-39	AMD	08/14/2008	2008-12/46
	31639	R865-9I-41	NSC	08/25/2008	Not Printed
	31414	R865-9I-42	NSC	08/18/2008	Not Printed
	31415	R865-9I-46	NSC	08/18/2008	Not Printed
	31466	R865-9I-48	AMD	08/14/2008	2008-12/47
	31416	R865-9I-49	NSC	08/18/2008	Not Printed
	31532	R865-9I-50	AMD	08/18/2008	2008-13/114
	31470	R865-9I-52	AMD	08/14/2008	2008-12/48
	30849	R865-9I-53	AMD	02/25/2008	2008-1/36
environmental assessment					
Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
environmental protection					
Environmental Quality, Air Quality	30698	R307-115	AMD	02/08/2008	2007-23/28
	30961	R307-115	5YR	02/08/2008	2008-5/41
essential facilities					
Public Service Commission, Administration	31628	R746-349	AMD	08/25/2008	2008-14/91
	31374	R746-349-3	NSC	05/05/2008	Not Printed
estheticians					
Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
evidentiary					
Pardons (Board Of), Administration	31823	R671-517	5YR	08/14/2008	2008-17/78
exceptional children					
Education, Administration	31041	R277-751	5YR	03/03/2008	2008-7/65
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Environmental Quality, Air Quality	31927	R307-107	5YR	09/04/2008	2008-19/80

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	30774	R313-12-111	AMD	04/11/2008	2007-24/8
	30774	R313-12-111	CPR	04/11/2008	2008-5/34
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Natural Resources, Forestry, Fire and State Lands	31111	R652-123	NSC	05/01/2008	Not Printed
expelled					
Education, Administration	31036	R277-483	5YR	03/03/2008	2008-7/62
extended area service					
Public Service Commission, Administration	31045	R746-347	5YR	03/07/2008	2008-7/66
extinguishers					
Public Safety, Fire Marshal	31076	R710-1-4	AMD	05/23/2008	2008-8/31
extracurricular activities					
Education, Administration	30880	R277-605	5YR	01/08/2008	2008-3/73
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Health, Health Care Financing, Coverage and Reimbursement Policy	30776	R414-53	AMD	02/01/2008	2007-24/13
	31528	R414-53	5YR	06/05/2008	2008-13/148
facility notice					
Corrections, Administration	30803	R251-114	NEW	03/11/2008	2008-1/6
fair employment practices					
Human Resource Management, Administration	31187	R477-2	AMD	07/01/2008	2008-10/84
	31189	R477-4	AMD	07/01/2008	2008-10/88
fair housing					
Labor Commission, Antidiscrimination and Labor, Fair Housing	31240	R608-1	NSC	05/05/2008	Not Printed
family employment program					
Workforce Services, Employment Development	31032	R986-200	AMD	05/01/2008	2008-6/18
	30864	R986-200-214	AMD	02/26/2008	2008-2/25
	31365	R986-200-240	AMD	07/02/2008	2008-10/135
fees					
Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
	31363	R25-14	EMR	05/05/2008	2008-10/140
Environmental Quality, Environmental Response and Remediation	31496	R311-203	AMD	08/18/2008	2008-12/16
Human Services, Child and Family Services	30721	R512-50	NSC	01/07/2008	Not Printed
	30718	R512-50	REP	01/07/2008	2007-23/60
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed
Labor Commission, Industrial Accidents	31234	R612-2	5YR	04/28/2008	2008-10/148

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	31333	R612-2-5	AMD	07/01/2008	2008-10/130
Natural Resources, Parks and Recreation	31670	R651-610	5YR	07/07/2008	2008-15/92
	30621	R651-611	AMD	01/01/2008	2007-22/80
	31599	R651-611	AMD	08/21/2008	2008-14/66
	30898	R651-611	AMD	03/10/2008	2008-3/39
Public Safety, Driver License	31113	R708-18-1	NSC	05/05/2008	Not Printed
fertilizers					
Agriculture and Food, Plant Industry	31491	R68-3-2	AMD	07/25/2008	2008-12/6
filing					
Public Service Commission, Administration	31642	R746-800	NEW	08/25/2008	2008-14/95
filing deadlines					
Labor Commission, Adjudication	31250	R602-1	NSC	05/05/2008	Not Printed
Labor Commission, Industrial Accidents	31235	R612-1	NSC	05/05/2008	Not Printed
filing requirements					
Public Service Commission, Administration	31072	R746-440	NSC	04/11/2008	Not Printed
finance					
Administrative Services, Finance	31318	R25-2	NSC	05/05/2008	Not Printed
	31316	R25-6	5YR	04/29/2008	2008-10/143
	31321	R25-8	AMD	07/01/2008	2008-10/7
financial aid					
Regents (Board Of), Administration	31402	R765-605	5YR	05/09/2008	2008-11/128
	30957	R765-607	5YR	02/08/2008	2008-5/60
financial disclosures					
Health, Health Care Financing, Coverage and Reimbursement Policy	30652	R414-304	AMD	01/28/2008	2007-23/54
	31622	R414-304	AMD	09/01/2008	2008-14/49
	30924	R414-304	5YR	01/25/2008	2008-4/44
financial institutions					
Financial Institutions, Administration	31256	R331-20	NSC	05/05/2008	Not Printed
	31891	R331-20	5YR	08/25/2008	2008-18/69
	31892	R331-21	5YR	08/25/2008	2008-18/69
	31315	R331-22-1	NSC	05/05/2008	Not Printed
	31893	R331-24	5YR	08/25/2008	2008-18/70
fire alarm systems					
Public Safety, Fire Marshal	31086	R710-11-3	AMD	05/23/2008	2008-8/42
fire marshal					
Environmental Quality, Air Quality	30963	R307-202	5YR	02/08/2008	2008-5/42
fire prevention					
Public Safety, Fire Marshal	31076	R710-1-4	AMD	05/23/2008	2008-8/31
	31085	R710-7	AMD	05/23/2008	2008-8/40
	31787	R710-9	AMD	09/23/2008	2008-16/30
	30919	R710-9-6	AMD	03/10/2008	2008-3/52

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Public Safety, Fire Marshal	30894	R710-10	AMD	03/10/2008	2008-3/56
	31472	R710-10	AMD	07/23/2008	2008-12/42
firearms					
Natural Resources, Parks and Recreation	30901	R651-612	AMD	03/10/2008	2008-3/42
	31671	R651-612	5YR	07/07/2008	2008-15/93
fireplaces					
Environmental Quality, Air Quality	31388	R307-302-3	AMD	08/07/2008	2008-11/91
fireworks					
Public Safety, Fire Marshal	30918	R710-2-4	AMD	03/10/2008	2008-3/50
	31078	R710-2-7	AMD	05/23/2008	2008-8/34
fiscal					
Natural Resources, Parks and Recreation	30899	R651-301	AMD	03/10/2008	2008-3/37
fish					
Natural Resources, Wildlife Resources	30676	R657-13	AMD	01/07/2008	2007-23/61
	31048	R657-13-3	AMD	05/08/2008	2008-7/47
	30904	R657-13-4	AMD	03/10/2008	2008-3/43
	31611	R657-16	AMD	08/21/2008	2008-14/70
	31610	R657-57	NEW	08/21/2008	2008-14/77
	30903	R657-58	NEW	03/10/2008	2008-3/47
	31052	R657-58	NSC	03/26/2008	Not Printed
	31612	R657-59	NEW	08/21/2008	2008-14/80
	31625	R657-59	EMR	06/27/2008	2008-14/129
	31623	R657-60	NEW	08/21/2008	2008-14/88
	31624	R657-60	EMR	06/27/2008	2008-14/137
	31805	R657-60	EMR	08/13/2008	2008-17/73
fishing					
Natural Resources, Wildlife Resources	30676	R657-13	AMD	01/07/2008	2007-23/61
	31048	R657-13-3	AMD	05/08/2008	2008-7/47
	30904	R657-13-4	AMD	03/10/2008	2008-3/43
	31610	R657-57	NEW	08/21/2008	2008-14/77
	30903	R657-58	NEW	03/10/2008	2008-3/47
	31052	R657-58	NSC	03/26/2008	Not Printed
	31612	R657-59	NEW	08/21/2008	2008-14/80
fleet expansion					
Administrative Services, Fleet Operations	30618	R27-4	AMD	03/06/2008	2007-22/9
	31411	R27-4	NSC	08/18/2008	Not Printed
food aid programs					
Education, Administration	30886	R277-721	5YR	01/08/2008	2008-3/76
	31014	R277-721	REP	04/21/2008	2008-6/5
	30887	R277-722	5YR	01/08/2008	2008-3/76
	31015	R277-722	REP	04/21/2008	2008-6/6

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Agriculture and Food, Regulatory Services	31430	R70-560	AMD	07/25/2008	2008-11/47
food services					
Health, Epidemiology and Laboratory Services, Environmental Services	31446	R392-100-2	AMD	07/17/2008	2008-11/95
foods					
Education, Administration	30848	R277-719	NEW	02/07/2008	2008-1/12
foster care					
Human Services, Child and Family Services	31742	R512-43	AMD	09/23/2008	2008-16/24
	31863	R512-305	5YR	08/20/2008	2008-18/74
Human Services, Recovery Services	31563	R527-550	NSC	08/19/2008	Not Printed
franchises					
Commerce, Administration	31354	R151-14-3	NSC	05/05/2008	Not Printed
	31355	R151-35-3	NSC	05/05/2008	Not Printed
Commerce, Consumer Protection	31214	R152-15-2	NSC	05/05/2008	Not Printed
Tax Commission, Auditing	31632	R865-6F-8	AMD	09/09/2008	2008-14/102
	30913	R865-6F-28	AMD	03/14/2008	2008-3/61
	31534	R865-6F-35	AMD	08/18/2008	2008-13/112
	30842	R865-6F-37	AMD	02/25/2008	2008-1/35
fraud					
Human Services, Recovery Services	30982	R527-928	AMD	04/07/2008	2008-5/26
free enterprise					
Regents (Board Of), Administration	31104	R765-555	NSC	06/02/2008	Not Printed
freedom of information					
Administrative Services, Administration	31343	R13-2	NSC	05/05/2008	Not Printed
	31345	R151-2	NSC	05/05/2008	Not Printed
	31385	R151-2-4	AMD	07/08/2008	2008-11/49
Natural Resources, Wildlife Resources	31225	R657-29	NSC	05/05/2008	Not Printed
fuel composition					
Environmental Quality, Air Quality	30964	R307-203	5YR	02/08/2008	2008-5/43
fuel dispensing					
Administrative Services, Fleet Operations	31420	R27-6	NSC	08/18/2008	Not Printed
fuel oil					
Environmental Quality, Air Quality	30964	R307-203	5YR	02/08/2008	2008-5/43
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Environmental Quality, Drinking Water	31157	R309-352	5YR	04/18/2008	2008-10/144
game birds					
Natural Resources, Wildlife Resources	31222	R657-22-1	NSC	05/05/2008	Not Printed

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game laws					
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	31609	R657-6	AMD	08/21/2008	2008-14/69
	31807	R657-19	5YR	08/12/2008	2008-17/77
	30828	R657-23	AMD	02/07/2008	2008-1/25
	31613	R657-23	AMD	08/21/2008	2008-14/73
	30955	R657-23-5	AMD	04/07/2008	2008-5/31
	30906	R657-33	AMD	03/10/2008	2008-3/44
	31398	R657-34	5YR	05/08/2008	2008-11/125
gangs					
Education, Administration	31518	R277-436	5YR	06/02/2008	2008-12/51
general assistance					
Workforce Services, Employment Development	31034	R986-400-406	AMD	05/01/2008	2008-6/20
general conformity					
Environmental Quality, Air Quality	30698	R307-115	AMD	02/08/2008	2007-23/28
	30961	R307-115	5YR	02/08/2008	2008-5/41
geology					
Commerce, Occupational and Professional Licensing	30694	R156-76	AMD	01/08/2008	2007-23/17
good cause					
Pardons (Board Of), Administration	31659	R671-515	5YR	07/03/2008	2008-15/104
government documents					
Administrative Services, Records Committee	31560	R35-1	NSC	08/19/2008	Not Printed
	31561	R35-1a	NSC	08/19/2008	Not Printed
	31567	R35-2	NSC	08/19/2008	Not Printed
	31568	R35-3	NSC	08/19/2008	Not Printed
	31569	R35-4	NSC	08/19/2008	Not Printed
	31570	R35-5-1	NSC	08/19/2008	Not Printed
	31571	R35-6-1	NSC	08/19/2008	Not Printed
Commerce, Administration	31345	R151-2	NSC	05/05/2008	Not Printed
	31385	R151-2-4	AMD	07/08/2008	2008-11/49
	31284	R380-20	NSC	05/05/2008	Not Printed
	31368	R495-810	NSC	05/05/2008	Not Printed
Natural Resources, Forestry, Fire and State Lands	31259	R652-6	NSC	05/05/2008	Not Printed
Natural Resources, Wildlife Resources	31225	R657-29	NSC	05/05/2008	Not Printed
government ethics					
Human Resource Management, Administration	31194	R477-9	AMD	07/01/2008	2008-10/104
government hearings					
Administrative Services, Administrative Rules	31143	R15-1	NSC	05/05/2008	Not Printed
Administrative Services, Finance	31318	R25-2	NSC	05/05/2008	Not Printed
Commerce, Administration	31138	R151-46b	CPR	09/22/2008	2008-16/53

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Financial Institutions, Administration	31256	R331-20	NSC	05/05/2008	Not Printed
	31891	R331-20	5YR	08/25/2008	2008-18/69
	31209	R477-11	AMD	07/01/2008	2008-10/108
	30949	R671-403	5YR	02/04/2008	2008-5/59
	31373	R746-100	NSC	05/05/2008	Not Printed
	31372	R746-101-4	NSC	05/05/2008	Not Printed
government purchasing					
Administrative Services, Purchasing and General Services	31477	R33-1	NSC	06/18/2008	Not Printed
	31478	R33-2-101	NSC	06/18/2008	Not Printed
	31479	R33-3	NSC	06/18/2008	Not Printed
	31475	R33-3-4	AMD	08/01/2008	2008-12/3
	31480	R33-4	NSC	06/18/2008	Not Printed
	31481	R33-5	NSC	06/18/2008	Not Printed
	31476	R33-5-250	AMD	08/01/2008	2008-12/4
	31482	R33-7	NSC	06/18/2008	Not Printed
	31483	R33-8-101	NSC	06/18/2008	Not Printed
government records					
Crime Victim Reparations, Administration	31324	R270-4	NSC	05/05/2008	Not Printed
governmental immunity act caps					
Administrative Services, Risk Management	31150	R37-4	R&R	07/01/2008	2008-9/5
graduation requirements					
Education, Administration	30977	R277-703-6	NSC	02/27/2008	Not Printed
GRAMA					
Health, Administration	31284	R380-20	NSC	05/05/2008	Not Printed
Natural Resources, Forestry, Fire and State Lands	31259	R652-6	NSC	05/05/2008	Not Printed
Regents (Board Of), College of Eastern Utah	31410	R767-1	NSC	08/18/2008	Not Printed
Regents (Board Of), Salt Lake Community College	31344	R784-1	NSC	05/05/2008	Not Printed
Regents (Board Of), University of Utah, Administration	31340	R805-2	NSC	05/05/2008	Not Printed
	31718	R805-2	5YR	07/17/2008	2008-16/75
grant					
Education, Administration	31582	R277-606	NEW	08/07/2008	2008-13/31
grants					
Community and Culture, Housing and Community Development	30451	R199-8	AMD	01/01/2008	2007-19/6
Education, Administration	31443	R277-490	NEW	07/08/2008	2008-11/74
grazing					
Agriculture and Food, Administration	31471	R51-5	REP	07/22/2008	2008-12/5
grievance procedures					
Career Service Review Board, Administration	31934	R137-1-2	EMR	10/02/2008	2008-19/76

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	31285	R380-100	NSC	05/05/2008	Not Printed
	31535	R861-1A-1	AMD	08/18/2008	2008-13/110
	31536	R861-1A-3	AMD	08/18/2008	2008-13/111
	31386	R861-1A-13	NSC	08/18/2008	Not Printed
	31633	R861-1A-16	AMD	09/09/2008	2008-14/96
	30688	R861-1A-20	AMD	01/11/2008	2007-23/68
	31394	R861-1A-22	NSC	08/18/2008	Not Printed
	31634	R861-1A-23	AMD	09/09/2008	2008-14/98
	30589	R861-1A-24	AMD	01/11/2008	2007-21/69
	31395	R861-1A-24	NSC	08/18/2008	Not Printed
	30717	R861-1A-26	AMD	01/11/2008	2007-23/69
	31635	R861-1A-26	AMD	09/09/2008	2008-14/99
	31638	R861-1A-27	AMD	09/09/2008	2008-14/101
	31403	R861-1A-28	NSC	08/18/2008	Not Printed
	31404	R861-1A-29	NSC	08/18/2008	Not Printed
	31406	R861-1A-30	NSC	08/18/2008	Not Printed
	31407	R861-1A-31	NSC	08/18/2008	Not Printed
	31412	R861-1A-32	NSC	08/18/2008	Not Printed
	30838	R861-1A-40	AMD	02/25/2008	2008-1/32
	30835	R861-1A-42	AMD	02/25/2008	2008-1/33
	30780	R861-1A-43	AMD	01/25/2008	2007-24/24
grievances Human Resource Management, Administration	31188	R477-3	AMD	07/01/2008	2008-10/87
	31209	R477-11	AMD	07/01/2008	2008-10/108
	31210	R477-12	AMD	07/01/2008	2008-10/110
habitat designation Natural Resources, Wildlife Resources	31226	R657-48-7	NSC	05/05/2008	Not Printed
halfway houses Human Services, Recovery Services	31133	R527-257	REP	06/09/2008	2008-9/45
Hatch Act Human Resource Management, Administration	31194	R477-9	AMD	07/01/2008	2008-10/104
hazardous air pollutant Environmental Quality, Air Quality	30430	R307-214	AMD	01/11/2008	2007-19/12
	30895	R307-214	5YR	01/11/2008	2008-3/77
hazardous materials Public Safety, Fire Marshal	30893	R710-12	NEW	03/10/2008	2008-3/58
	31087	R710-12-4	AMD	05/23/2008	2008-8/44
hazardous materials transportation Transportation, Motor Carrier	31090	R909-75	AMD	05/27/2008	2008-8/45
hazardous substances Environmental Quality, Environmental Response and Remediation	31487	R311-201	NSC	06/18/2008	Not Printed
	31496	R311-203	AMD	08/18/2008	2008-12/16

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	31497	R311-206-3	AMD	08/18/2008	2008-12/19
Transportation, Motor Carrier	31090	R909-75	AMD	05/27/2008	2008-8/45
hazardous substances priority list					
Environmental Quality, Environmental Response and Remediation	30567	R311-401-2	AMD	01/02/2008	2007-21/59
hazardous waste					
Environmental Quality, Solid and Hazardous Waste	31377	R315-2	NSC	05/05/2008	Not Printed
	31065	R315-3	NSC	04/11/2008	Not Printed
	31376	R315-12	NSC	05/05/2008	Not Printed
	30907	R315-15-1	AMD	03/13/2008	2008-3/16
	30908	R315-15-10	AMD	03/13/2008	2008-3/19
	30909	R315-15-11	AMD	03/13/2008	2008-3/21
	30910	R315-15-12	AMD	03/13/2008	2008-3/23
	30911	R315-15-17	AMD	03/13/2008	2008-3/29
Transportation, Motor Carrier	31090	R909-75	AMD	05/27/2008	2008-8/45
health					
Health, Center for Health Data, Health Care Statistics	31167	R428-11	5YR	04/21/2008	2008-10/146
	31021	R428-11	NSC	04/21/2008	Not Printed
	31168	R428-13	5YR	04/21/2008	2008-10/146
	31022	R428-13	NSC	04/21/2008	Not Printed
	30956	R428-13-4	AMD	05/16/2008	2008-5/25
health administration					
Health, Administration	31283	R380-10	NSC	05/05/2008	Not Printed
health care					
Health, Community and Family Health Services, Children with Special Health Care Needs	31350	R398-1	AMD	06/25/2008	2008-10/60
	31627	R398-1	NSC	08/25/2008	Not Printed
health care facilities					
Health, Health Systems Improvement, Licensing	31489	R432-35	5YR	05/27/2008	2008-12/54
health facilities					
Health, Health Systems Improvement, Licensing	30975	R432-16	5YR	02/11/2008	2008-5/58
health insurance					
Human Services, Recovery Services	31542	R527-201	NSC	08/19/2008	Not Printed
Insurance, Administration	30462	R590-167-11	AMD	05/20/2008	2007-20/23
	30462	R590-167-11	CPR	05/20/2008	2008-3/68
	31716	R590-176	AMD	09/09/2008	2008-15/40
health planning					
Health, Center for Health Data, Health Care Statistics	31167	R428-11	5YR	04/21/2008	2008-10/146
	31021	R428-11	NSC	04/21/2008	Not Printed
	31168	R428-13	5YR	04/21/2008	2008-10/146
	31022	R428-13	NSC	04/21/2008	Not Printed

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	30956	R428-13-4	AMD	05/16/2008	2008-5/25
health policy					
Health, Center for Health Data, Health Care Statistics	31021	R428-11	NSC	04/21/2008	Not Printed
	31168	R428-13	5YR	04/21/2008	2008-10/146
	31022	R428-13	NSC	04/21/2008	Not Printed
	30956	R428-13-4	AMD	05/16/2008	2008-5/25
health spas					
Commerce, Consumer Protection	31217	R152-23-1	NSC	05/05/2008	Not Printed
hearing impaired					
Public Service Commission, Administration	31375	R746-510	NSC	05/05/2008	Not Printed
hearings					
Community and Culture, Home Energy Assistance Target (HEAT)	31331	R195-1	NSC	05/05/2008	Not Printed
Environmental Quality, Air Quality	31461	R307-103	NSC	06/18/2008	Not Printed
Environmental Quality, Water Quality	30948	R317-9	5YR	02/01/2008	2008-4/42
Labor Commission, Adjudication	31236	R602-2-1	NSC	05/05/2008	Not Printed
	30811	R602-2-4	AMD	02/07/2008	2008-1/14
	31238	R602-3	NSC	05/05/2008	Not Printed
	30810	R602-3-3	AMD	02/07/2008	2008-1/16
	31643	R602-4	EMR	07/01/2008	2008-14/127
Pardons (Board Of), Administration	31821	R671-513	5YR	08/14/2008	2008-17/78
	31655	R671-516	5YR	07/03/2008	2008-15/105
	31823	R671-517	5YR	08/14/2008	2008-17/78
	31826	R671-519	5YR	08/14/2008	2008-17/79
	31825	R671-520	5YR	08/14/2008	2008-17/79
	31824	R671-522	5YR	08/14/2008	2008-17/80
	30951	R686-100	5YR	02/04/2008	2008-5/59
higher education					
Regents (Board Of), Administration	31325	R765-134	NSC	05/05/2008	Not Printed
	31631	R765-134-5	NSC	08/25/2008	Not Printed
	31490	R765-136	5YR	05/27/2008	2008-12/63
	31326	R765-136	NSC	05/05/2008	Not Printed
	31515	R765-555	5YR	06/02/2008	2008-12/64
	31104	R765-555	NSC	06/02/2008	Not Printed
	31402	R765-605	5YR	05/09/2008	2008-11/128
	30957	R765-607	5YR	02/08/2008	2008-5/60
	31327	R765-993	NSC	05/05/2008	Not Printed
Regents (Board Of), University of Utah, Administration	31340	R805-2	NSC	05/05/2008	Not Printed
	31718	R805-2	5YR	07/17/2008	2008-16/75
higher education assistance					
Regents (Board Of), Administration	31405	R765-606	5YR	05/09/2008	2008-11/129
highways					
Transportation, Administration	31963	R907-67	5YR	09/18/2008	Not Printed

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	31890	R918-4	5YR	08/25/2008	2008-18/77
HIPAA					
Health, Administration	31455	R380-250	5YR	05/19/2008	2008-12/52
	31484	R495-881	5YR	05/27/2008	2008-12/55
	31485	R495-881	AMD	07/23/2008	2008-12/30
hiring practices					
Human Resource Management, Administration	31189	R477-4	AMD	07/01/2008	2008-10/88
historic preservation					
Tax Commission, Auditing	31632	R865-6F-8	AMD	09/09/2008	2008-14/102
	30913	R865-6F-28	AMD	03/14/2008	2008-3/61
	31534	R865-6F-35	AMD	08/18/2008	2008-13/112
	30842	R865-6F-37	AMD	02/25/2008	2008-1/35
	31458	R865-9I-4	AMD	08/14/2008	2008-12/43
	31530	R865-9I-6	AMD	08/18/2008	2008-13/113
	31459	R865-9I-11	AMD	08/14/2008	2008-12/44
	31460	R865-9I-12	AMD	08/14/2008	2008-12/45
	31463	R865-9I-13	AMD	08/14/2008	2008-12/45
	30916	R865-9I-37	AMD	03/14/2008	2008-3/63
	31413	R865-9I-37	NSC	08/18/2008	Not Printed
	31464	R865-9I-39	AMD	08/14/2008	2008-12/46
	31639	R865-9I-41	NSC	08/25/2008	Not Printed
	31414	R865-9I-42	NSC	08/18/2008	Not Printed
	31415	R865-9I-46	NSC	08/18/2008	Not Printed
	31466	R865-9I-48	AMD	08/14/2008	2008-12/47
	31416	R865-9I-49	NSC	08/18/2008	Not Printed
	31532	R865-9I-50	AMD	08/18/2008	2008-13/114
	31470	R865-9I-52	AMD	08/14/2008	2008-12/48
	30849	R865-9I-53	AMD	02/25/2008	2008-1/36
holidays					
Human Resource Management, Administration	31192	R477-7	AMD	07/01/2008	2008-10/95
	31788	R477-7	AMD	09/22/2008	2008-16/16
hospital					
Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
	31280	R380-210-6	NSC	05/05/2008	Not Printed
Health, Health Care Financing, Coverage and Reimbursement Policy	31424	R414-5	5YR	05/13/2008	2008-11/125
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Health, Center for Health Data, Health Care Statistics	31167	R428-11	5YR	04/21/2008	2008-10/146
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Environmental Quality, Air Quality	30702	R307-222	AMD	02/08/2008	2007-23/36
	30967	R307-222	5YR	02/08/2008	2008-5/44
	30833	R307-222-1	NSC	02/08/2008	Not Printed

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hours of business					
Labor Commission, Administration	31705	R600-2-1	AMD	09/09/2008	2008-15/43
	31778	R600-2-1	EMR	08/04/2008	2008-16/64
housing					
Labor Commission, Antidiscrimination and Labor, Fair Housing	31240	R608-1	NSC	05/05/2008	Not Printed
human services					
Human Services, Administration, Administrative Services, Licensing	31017	R501-16	5YR	02/22/2008	2008-6/25
	31026	R501-17	5YR	02/27/2008	2008-6/25
Human Services, Services for People with Disabilities	30877	R539-1-8	AMD	04/01/2008	2008-3/32
	30926	R539-1-8	EMR	01/28/2008	2008-4/38
hunter education					
Natural Resources, Wildlife Resources	30828	R657-23	AMD	02/07/2008	2008-1/25
	31613	R657-23	AMD	08/21/2008	2008-14/73
	30955	R657-23-5	AMD	04/07/2008	2008-5/31
hunting closures					
Natural Resources, Wildlife Resources	31398	R657-34	5YR	05/08/2008	2008-11/125
immunization					
Health, Community and Family Health Services, Immunization	31753	R396-100	5YR	07/25/2008	2008-16/67
	31173	R396-100	NSC	07/25/2008	Not Printed
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Health, Community and Family Health Services, Immunization	31100	R396-100-3	AMD	07/29/2008	2008-8/14
impairment ratings					
Labor Commission, Industrial Accidents	31231	R612-7	5YR	04/28/2008	2008-10/150
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Transportation, Motor Carrier	30783	R909-1-1	AMD	02/15/2008	2007-24/25
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Natural Resources, Wildlife Resources	31047	R657-3	5YR	03/11/2008	2008-7/65
	31053	R657-3	AMD	05/08/2008	2008-7/45
	31220	R657-3	NSC	05/05/2008	Not Printed
	31051	R657-53	AMD	05/08/2008	2008-7/50
	31228	R657-53	NSC	05/05/2008	Not Printed
	31508	R657-53	5YR	06/02/2008	2008-12/61
imputation					
Public Service Commission, Administration	31628	R746-349	AMD	08/25/2008	2008-14/91

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	31374	R746-349-3	NSC	05/05/2008	Not Printed
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Public Safety, Peace Officer Standards and Training	31648	R728-501	5YR	07/01/2008	2008-14/142
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Pardons (Board Of), Administration	31656	R671-509	5YR	07/03/2008	2008-15/103
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Administrative Services, Fleet Operations	31421	R27-7-1	NSC	08/18/2008	Not Printed
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Environmental Quality, Air Quality	30965	R307-220	5YR	02/08/2008	2008-5/43
income					
Health, Health Care Financing, Coverage and Reimbursement Policy	30921	R414-302	5YR	01/25/2008	2008-4/43
	30925	R414-303	5YR	01/25/2008	2008-4/44
	30652	R414-304	AMD	01/28/2008	2007-23/54
	31622	R414-304	AMD	09/01/2008	2008-14/49
	30924	R414-304	5YR	01/25/2008	2008-4/44
Human Services, Recovery Services	31158	R527-300	AMD	09/04/2008	2008-10/118
income distribution					
Human Services, Child and Family Services	30720	R512-20	NSC	01/07/2008	Not Printed
	30716	R512-20	REP	01/07/2008	2007-23/58
income tax					
Tax Commission, Auditing	31458	R865-9I-4	AMD	08/14/2008	2008-12/43
	31530	R865-9I-6	AMD	08/18/2008	2008-13/113
	31459	R865-9I-11	AMD	08/14/2008	2008-12/44
	31460	R865-9I-12	AMD	08/14/2008	2008-12/45
	31463	R865-9I-13	AMD	08/14/2008	2008-12/45
	30916	R865-9I-37	AMD	03/14/2008	2008-3/63
	31413	R865-9I-37	NSC	08/18/2008	Not Printed
	31464	R865-9I-39	AMD	08/14/2008	2008-12/46
	31639	R865-9I-41	NSC	08/25/2008	Not Printed
	31414	R865-9I-42	NSC	08/18/2008	Not Printed
	31415	R865-9I-46	NSC	08/18/2008	Not Printed
	31466	R865-9I-48	AMD	08/14/2008	2008-12/47
	31416	R865-9I-49	NSC	08/18/2008	Not Printed
	31532	R865-9I-50	AMD	08/18/2008	2008-13/114
	31470	R865-9I-52	AMD	08/14/2008	2008-12/48
	30849	R865-9I-53	AMD	02/25/2008	2008-1/36
income withholding fees					
Human Services, Recovery Services	31163	R527-302	AMD	06/25/2008	2008-10/120
	31160	R527-302	5YR	04/21/2008	2008-10/147
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Health, Health Care Financing, Coverage and Reimbursement Policy	30925	R414-303	5YR	01/25/2008	2008-4/44

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	30912	R230-1	AMD	07/16/2008	2008-3/12
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Environmental Quality, Water Quality	30639	R317-1-4	AMD	02/04/2008	2007-22/52
	30637	R317-13	NEW	02/04/2008	2007-22/61
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Environmental Quality, Air Quality	30702	R307-222	AMD	02/08/2008	2007-23/36
	30967	R307-222	5YR	02/08/2008	2008-5/44
	30833	R307-222-1	NSC	02/08/2008	Not Printed
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Labor Commission, Industrial Accidents	31251	R612-9-1	NSC	05/05/2008	Not Printed
injury prevention					
Health, Administration	31280	R380-210-6	NSC	05/05/2008	Not Printed
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Agriculture and Food, Plant Industry	31006	R68-5	5YR	02/15/2008	2008-5/39
	30611	R68-7	AMD	01/07/2008	2007-22/11
	31127	R68-8-2	AMD	07/02/2008	2008-9/7
Agriculture and Food, Regulatory Services	31430	R70-560	AMD	07/25/2008	2008-11/47
Environmental Quality, Radiation Control	31170	R313-12-1	NSC	05/05/2008	Not Printed
	30774	R313-12-111	AMD	04/11/2008	2007-24/8
	30774	R313-12-111	CPR	04/11/2008	2008-5/34
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Education, Administration	30781	R277-469	AMD	01/22/2008	2007-24/4
	31035	R277-469	5YR	03/03/2008	2008-7/62
	31577	R277-469	AMD	08/07/2008	2008-13/21
insurance					
Human Resource Management, Administration	31191	R477-6	AMD	07/01/2008	2008-10/91
	31782	R477-6-4	AMD	09/22/2008	2008-16/14
	31131	R590-154	5YR	04/09/2008	2008-9/54
	30508	R590-175	AMD	02/08/2008	2007-20/24
	31767	R590-186	5YR	07/29/2008	2008-16/70
	30897	R590-218	5YR	01/11/2008	2008-3/80
	31525	R590-219	5YR	06/04/2008	2008-13/150
	31523	R590-222	5YR	06/02/2008	2008-12/58
	31500	R590-222	AMD	08/04/2008	2008-12/36
	31647	R590-250	NEW	08/25/2008	2008-14/63
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insurance fee					
Insurance, Administration	30890	R590-157	5YR	01/10/2008	2008-3/79
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	31030	R590-164	AMD	05/08/2008	2008-6/10
	31551	R590-164	AMD	08/26/2008	2008-13/83
	31077	R590-191	AMD	05/29/2008	2008-8/27
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Insurance, Administration	31552	R590-223	5YR	06/12/2008	2008-13/151
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Money Management Council, Administration	31587	R628-18	NSC	08/25/2008	Not Printed
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Education, Administration	31583	R277-710	NEW	08/07/2008	2008-13/32
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	31025	R527-305	AMD	04/21/2008	2008-6/8
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Workforce Services, Unemployment Insurance	31075	R994-106-106	AMD	05/30/2008	2008-8/48
interstate highway system					
Transportation, Administration	31962	R907-64	5YR	09/18/2008	Not Printed
	31965	R907-65	5YR	09/22/2008	Not Printed
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Public Safety, Driver License	31116	R708-34	NSC	05/05/2008	Not Printed
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Environmental Quality, Air Quality	31558	R307-150-4	AMD	09/04/2008	2008-13/35
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Governor, Economic Development	30788	R357-2	NEW	01/30/2008	2007-24/9
	30859	R357-2-7	NSC	01/30/2008	Not Printed
job descriptions					
Human Resource Management, Administration	31188	R477-3	AMD	07/01/2008	2008-10/87
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Governor, Economic Development	31153	R357-3	NEW	06/18/2008	2008-9/37
Judicial Conduct Commission					
Judicial Conduct Commission, Administration	31605	R595-3-5	NSC	08/25/2008	Not Printed
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Education, Administration	30884	R277-709	5YR	01/08/2008	2008-3/75

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	31590	R512-500	R&R	08/21/2008	2008-14/57
	31589	R512-500	EMR	06/18/2008	2008-14/123
labor					
Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
	31149	R610-1-4	AMD	06/13/2008	2008-9/48
	31245	R610-2	NSC	05/05/2008	Not Printed
	30942	R610-2-6	AMD	03/24/2008	2008-4/19
	31243	R610-3	NSC	05/05/2008	Not Printed
	30876	R610-3-4	EMR	01/03/2008	2008-3/70
	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
Labor Commission, Safety	31233	R616-1	5YR	04/28/2008	2008-10/150
	31249	R616-1	NSC	05/05/2008	Not Printed
labor commission					
Labor Commission, Administration	31232	R600-1	5YR	04/28/2008	2008-10/148
	31237	R600-1	NSC	05/05/2008	Not Printed
	31705	R600-2-1	AMD	09/09/2008	2008-15/43
	31778	R600-2-1	EMR	08/04/2008	2008-16/64
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Health, Epidemiology and Laboratory Services, Laboratory Services	31717	R438-13	5YR	07/16/2008	2008-16/69
laboratory animals					
Health, Epidemiology and Laboratory Services, Laboratory Services	31717	R438-13	5YR	07/16/2008	2008-16/69
land use					
Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
	31896	R652-110	5YR	08/26/2008	2008-18/76
landfills					
Environmental Quality, Air Quality	30965	R307-220	5YR	02/08/2008	2008-5/43
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Commerce, Occupational and Professional Licensing	31074	R156-53	5YR	03/24/2008	2008-8/52
language proficiency					
Regents (Board Of), Administration	31490	R765-136	5YR	05/27/2008	2008-12/63
	31326	R765-136	NSC	05/05/2008	Not Printed
law					
Public Safety, Fire Marshal	31787	R710-9	AMD	09/23/2008	2008-16/30
	30919	R710-9-6	AMD	03/10/2008	2008-3/52
law enforcement					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	30929	R722-320	NSC	05/14/2008	Not Printed

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lead-based paint Environmental Quality, Air Quality	30973	R307-840	5YR	02/08/2008	2008-5/47
	30708	R307-840	AMD	02/08/2008	2007-23/48
LEAP Regents (Board Of), Administration	31405	R765-606	5YR	05/09/2008	2008-11/129
leases Natural Resources, Forestry, Fire and State Lands	31270	R652-30-500	NSC	05/05/2008	Not Printed
	31896	R652-110	5YR	08/26/2008	2008-18/76
leave benefits Human Resource Management, Administration	31192	R477-7	AMD	07/01/2008	2008-10/95
	31788	R477-7	AMD	09/22/2008	2008-16/16
liberties Natural Resources, Administration	30875	R634-1	NSC	01/25/2008	Not Printed
	30923	R634-1	5YR	01/25/2008	2008-4/47
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	31050	R657-45-2	AMD	05/08/2008	2008-7/49
license plates Tax Commission, Motor Vehicle	30844	R873-22M-34	AMD	02/25/2008	2008-1/38
	31264	R873-22M-41	AMD	06/27/2008	2008-10/133
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	30655	R156-1-102a	AMD	01/08/2008	2007-23/3
	30935	R156-3a-303	AMD	03/27/2008	2008-4/5
	30715	R156-26a	AMD	03/31/2008	2007-23/4
	31763	R156-26a	AMD	09/23/2008	2008-16/5
	30715	R156-26a	CPR	03/31/2008	2008-4/35
	31396	R156-28	AMD	07/10/2008	2008-11/56
	31156	R156-31b	AMD	06/23/2008	2008-10/34
	31615	R156-31b	AMD	08/25/2008	2008-14/15
	31094	R156-31b	5YR	04/01/2008	2008-8/51
	31603	R156-31b-102	NSC	08/25/2008	Not Printed
	31423	R156-37	AMD	09/09/2008	2008-11/62
	31423	R156-37	CPR	09/09/2008	2008-15/84
	30654	R156-38a	AMD	01/07/2008	2007-23/14
	31176	R156-38a-105a	NSC	05/05/2008	Not Printed
	31178	R156-40-302e	NSC	05/05/2008	Not Printed
	31397	R156-41	AMD	07/14/2008	2008-11/65

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	31180	R156-49	NSC	05/05/2008	Not Printed
	31073	R156-49	5YR	03/24/2008	2008-8/52
	31074	R156-53	5YR	03/24/2008	2008-8/52
	31292	R156-55a	AMD	06/24/2008	2008-10/42
	30892	R156-55a	AMD	03/11/2008	2008-3/3
	31616	R156-55a-102	NSC	08/25/2008	Not Printed
	31181	R156-55d	NSC	05/05/2008	Not Printed
	31588	R156-55d	NSC	08/25/2008	Not Printed
	30574	R156-56	AMD	01/01/2008	2007-21/38
	31139	R156-56	AMD	07/01/2008	2008-9/23
	30573	R156-56-420	AMD	01/01/2008	2007-21/57
	31142	R156-56-701	AMD	07/01/2008	2008-9/30
	31626	R156-56-801	NSC	07/01/2008	Not Printed
	30915	R156-61	AMD	05/08/2008	2008-3/6
	30915	R156-61	CPR	05/08/2008	2008-7/55
	31182	R156-63	NSC	05/05/2008	Not Printed
	31183	R156-67	NSC	05/05/2008	Not Printed
	31083	R156-68	5YR	03/27/2008	2008-8/53
	31185	R156-68	NSC	05/05/2008	Not Printed
	31136	R156-69	AMD	06/09/2008	2008-9/35
	30854	R156-71	CPR	07/08/2008	2008-11/121
	30854	R156-71	AMD	07/08/2008	2008-2/6
	31516	R156-74	AMD	07/22/2008	2008-12/7
	30694	R156-76	AMD	01/08/2008	2007-23/17
Human Services, Administration, Administrative Services, Licensing	31017	R501-16	5YR	02/22/2008	2008-6/25
	31026	R501-17	5YR	02/27/2008	2008-6/25
Labor Commission, Antidiscrimination and Labor, Labor	31438	R610-4	REP	07/08/2008	2008-11/101
	31239	R610-4	NSC	05/05/2008	Not Printed
Natural Resources, Water Rights	31694	R655-4	AMD	09/10/2008	2008-15/45
Natural Resources, Wildlife Resources	31224	R657-27-11	NSC	05/05/2008	Not Printed
Public Safety, Driver License	31436	R708-10	AMD	07/08/2008	2008-11/116
	31113	R708-18-1	NSC	05/05/2008	Not Printed
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31028	R859-1	AMD	05/01/2008	2008-6/15
	31172	R859-1-102	NSC	06/18/2008	Not Printed
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
liens					
Commerce, Occupational and Professional Licensing	30654	R156-38a	AMD	01/07/2008	2007-23/14
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limitation on judgments					
Administrative Services, Risk Management	31150	R37-4	R&R	07/01/2008	2008-9/5

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	31082	R710-6-4	AMD	05/23/2008	2008-8/37
loans					
Environmental Quality, Water Quality	31103	R317-101	5YR	04/02/2008	2008-9/53
LTCO					
Human Services, Aging and Adult Services	31379	R510-200-3	NSC	05/05/2008	Not Printed
MACT					
Environmental Quality, Air Quality	30430	R307-214	AMD	01/11/2008	2007-19/12
	30895	R307-214	5YR	01/11/2008	2008-3/77
management					
Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
maps					
Natural Resources, Water Rights	31130	R655-5	5YR	04/08/2008	2008-9/54
market trading program					
Environmental Quality, Air Quality	30970	R307-250	5YR	02/08/2008	2008-5/46
marketing					
Commerce, Consumer Protection	31214	R152-15-2	NSC	05/05/2008	Not Printed
massage therapy					
Commerce, Occupational and Professional Licensing	30853	R156-47b	AMD	02/21/2008	2008-2/4
match requirement					
Human Services, Administration	30773	R495-861	AMD	01/30/2008	2007-24/18
Medicaid					
Health, Health Care Financing	31550	R410-14	NSC	08/19/2008	Not Printed
	30981	R410-14-17	EMR	02/15/2008	2008-5/36
	31129	R410-14-17	AMD	06/09/2008	2008-9/38
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	31506	R414-1-5	AMD	08/04/2008	2008-12/22
	31424	R414-5	5YR	05/13/2008	2008-11/125
	31169	R414-6	5YR	04/21/2008	2008-10/145
	31493	R414-6	AMD	07/22/2008	2008-12/23
	30653	R414-21	R&R	01/10/2008	2007-23/50
	31046	R414-27	NSC	03/25/2008	Not Printed
	31360	R414-27	AMD	07/01/2008	2008-10/65
	30920	R414-27	5YR	01/17/2008	2008-4/42
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	30775	R414-52	AMD	02/01/2008	2007-24/12
	31453	R414-52	5YR	05/19/2008	2008-12/54
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	31505	R414-70	R&R	08/04/2008	2008-12/24
	30378	R414-71	CPR	03/31/2008	2008-3/66
	30378	R414-71	AMD	03/31/2008	2007-18/40
	31507	R414-71	REP	08/04/2008	2008-12/28
	30936	R414-301	5YR	01/31/2008	2008-4/43
	30937	R414-305	5YR	01/31/2008	2008-4/45
	30945	R414-305	AMD	04/01/2008	2008-4/9
	30938	R414-308	5YR	01/31/2008	2008-4/46
	30927	R414-308-7	AMD	04/01/2008	2008-4/16
	31356	R414-310	AMD	07/01/2008	2008-10/66
	31358	R414-320	AMD	07/01/2008	2008-10/68
	31362	R414-504	AMD	07/01/2008	2008-10/71
	31361	R414-508	NEW	07/01/2008	2008-10/78
	30917	R414-510	AMD	03/10/2008	2008-3/30
Human Services, Recovery Services	31542	R527-201	NSC	08/19/2008	Not Printed
medical incinerator					
Environmental Quality, Air Quality	30702	R307-222	AMD	02/08/2008	2007-23/36
	30967	R307-222	5YR	02/08/2008	2008-5/44
	30833	R307-222-1	NSC	02/08/2008	Not Printed
medical insurance					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31566	R859-1-501	AMD	09/01/2008	2008-13/106
medical malpractice					
Commerce, Occupational and Professional Licensing	31055	R156-78A	NSC	03/26/2008	Not Printed
medical practitioner					
Labor Commission, Industrial Accidents	31234	R612-2	5YR	04/28/2008	2008-10/148
	31333	R612-2-5	AMD	07/01/2008	2008-10/130
medical supplies					
Health, Health Care Financing, Coverage and Reimbursement Policy	31505	R414-70	R&R	08/04/2008	2008-12/24
medical transportation					
Health, Health Care Financing, Coverage and Reimbursement Policy	30922	R414-306	5YR	01/25/2008	2008-4/45
medication treatment					
Human Services, Substance Abuse and Mental Health, State Hospital	31449	R525-3	5YR	05/19/2008	2008-12/56
mercury					
Environmental Quality, Air Quality	30969	R307-224	5YR	02/08/2008	2008-5/45
	30704	R307-224-2	AMD	02/08/2008	2007-23/39
minerals reclamation					
Natural Resources, Oil, Gas and Mining; Non-Coal	31510	R647-1	5YR	06/02/2008	2008-12/59
	31205	R647-1-106	NSC	05/05/2008	Not Printed

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	31511	R647-2	5YR	06/02/2008	2008-12/59
	31512	R647-3	5YR	06/02/2008	2008-12/60
	31513	R647-4	5YR	06/02/2008	2008-12/60
	31514	R647-5	5YR	06/02/2008	2008-12/61
	31206	R647-5	NSC	05/05/2008	Not Printed
	31759	R647-6	5YR	07/28/2008	2008-16/73
	31760	R647-7	5YR	07/28/2008	2008-16/73
	31761	R647-8	5YR	07/28/2008	2008-16/74
minimum standards					
Natural Resources, Forestry, Fire and State Lands	31109	R652-122-100	NSC	05/01/2008	Not Printed
mining					
Labor Commission, Safety	31233	R616-1	5YR	04/28/2008	2008-10/150
	31249	R616-1	NSC	05/05/2008	Not Printed
minors					
Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
	31149	R610-1-4	AMD	06/13/2008	2008-9/48
	31245	R610-2	NSC	05/05/2008	Not Printed
	30942	R610-2-6	AMD	03/24/2008	2008-4/19
	31243	R610-3	NSC	05/05/2008	Not Printed
	30876	R610-3-4	EMR	01/03/2008	2008-3/70
	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
monitoring					
Environmental Quality, Air Quality	30962	R307-170	5YR	02/08/2008	2008-5/41
	30699	R307-170-7	AMD	02/08/2008	2007-23/29
motels					
Health, Epidemiology and Laboratory Services, Environmental Services	31494	R392-502	AMD	07/22/2008	2008-12/20
motor vehicle record					
Public Safety, Driver License	31119	R708-36-1	NSC	05/05/2008	Not Printed
	31123	R708-44-4	NSC	05/05/2008	Not Printed
motor vehicles					
Commerce, Administration	31354	R151-14-3	NSC	05/05/2008	Not Printed
Commerce, Consumer Protection	31215	R152-20	NSC	05/05/2008	Not Printed
Environmental Quality, Air Quality	31389	R307-121	AMD	08/07/2008	2008-11/87
	30889	R307-121-3	NSC	01/30/2008	Not Printed
Tax Commission, Motor Vehicle	30844	R873-22M-34	AMD	02/25/2008	2008-1/38
	31264	R873-22M-41	AMD	06/27/2008	2008-10/133
Tax Commission, Motor Vehicle Enforcement	31255	R877-23V-19	AMD	06/27/2008	2008-10/135
motorcycle rider training schools					
Public Safety, Driver License	31790	R708-30	5YR	08/01/2008	2008-16/75
	31435	R708-30-10	AMD	07/11/2008	2008-11/118

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	31115	R708-30-14	NSC	05/05/2008	Not Printed
motorcycles					
Commerce, Administration	31355	R151-35-3	NSC	05/05/2008	Not Printed
municipal landfills					
Environmental Quality, Air Quality	30701	R307-221	AMD	02/08/2008	2007-23/32
	30966	R307-221	5YR	02/08/2008	2008-5/44
	30832	R307-221-2	NSC	02/08/2008	Not Printed
municipal waste incinerator					
Environmental Quality, Air Quality	30703	R307-223	AMD	02/08/2008	2007-23/38
	30968	R307-223	5YR	02/08/2008	2008-5/45
mutual water corporations					
Public Service Commission, Administration	31095	R746-331	5YR	04/01/2008	2008-8/55
nail technicians					
Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
Native American remains					
Community and Culture, Indian Affairs	30912	R230-1	CPR	07/16/2008	2008-11/122
	30912	R230-1	AMD	07/16/2008	2008-3/12
naturopathic physician					
Commerce, Occupational and Professional Licensing	30854	R156-71	CPR	07/08/2008	2008-11/121
	30854	R156-71	AMD	07/08/2008	2008-2/6
naturopaths					
Commerce, Occupational and Professional Licensing	30854	R156-71	CPR	07/08/2008	2008-11/121
	30854	R156-71	AMD	07/08/2008	2008-2/6
new hire registry					
Workforce Services, Unemployment Insurance	31549	R994-315	5YR	06/10/2008	2008-13/152
newborn screening					
Health, Community and Family Health Services, Children with Special Health Care Needs	31350	R398-1	AMD	06/25/2008	2008-10/60
	31627	R398-1	NSC	08/25/2008	Not Printed
	31651	R398-2	5YR	07/02/2008	2008-15/86
notice of commencement					
Commerce, Occupational and Professional Licensing	31177	R156-38b-703	NSC	05/05/2008	Not Printed
notice of completion					
Commerce, Occupational and Professional Licensing	31177	R156-38b-703	NSC	05/05/2008	Not Printed
nurses					
Commerce, Occupational and Professional Licensing	31156	R156-31b	AMD	06/23/2008	2008-10/34
	31615	R156-31b	AMD	08/25/2008	2008-14/15

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	31094	R156-31b	5YR	04/01/2008	2008-8/51
	31603	R156-31b-102	NSC	08/25/2008	Not Printed
nutrition					
Education, Administration	30848	R277-719	NEW	02/07/2008	2008-1/12
occupational licensing					
Commerce, Occupational and Professional Licensing	31288	R156-1	AMD	06/23/2008	2008-10/30
	30655	R156-1-102a	AMD	01/08/2008	2007-23/3
	31179	R156-46b	NSC	05/05/2008	Not Printed
	31292	R156-55a	AMD	06/24/2008	2008-10/42
	30892	R156-55a	AMD	03/11/2008	2008-3/3
	31616	R156-55a-102	NSC	08/25/2008	Not Printed
off road vehicles					
Commerce, Administration	31355	R151-35-3	NSC	05/05/2008	Not Printed
off-highway vehicles					
Natural Resources, Parks and Recreation	31690	R651-407	5YR	07/07/2008	2008-15/87
	31691	R651-408	5YR	07/07/2008	2008-15/87
	31661	R651-601	5YR	07/07/2008	2008-15/88
off-premise					
Human Services, Substance Abuse and Mental Health	31164	R523-24-7	AMD	07/14/2008	2008-10/116
	31165	R523-24-9	AMD	07/14/2008	2008-10/117
	31353	R523-24-13	NSC	05/05/2008	Not Printed
office hours					
Public Service Commission, Administration	31642	R746-800	NEW	08/25/2008	2008-14/95
oil and gas law					
Natural Resources, Oil, Gas and Mining; Oil and Gas	31762	R649-6	5YR	07/28/2008	2008-16/74
	31207	R649-10-3	NSC	05/05/2008	Not Printed
ombudsman					
Human Services, Aging and Adult Services	31379	R510-200-3	NSC	05/05/2008	Not Printed
one-time signing bonuses					
Education, Administration	31439	R277-109	NEW	07/08/2008	2008-11/67
open burning					
Environmental Quality, Air Quality	30963	R307-202	5YR	02/08/2008	2008-5/42
operating permits					
Environmental Quality, Air Quality	30700	R307-215	REP	02/08/2008	2007-23/31
	30706	R307-417	AMD	02/08/2008	2007-23/43
optometry					
Health, Health Care Financing, Coverage and Reimbursement Policy	30775	R414-52	AMD	02/01/2008	2007-24/12
	31453	R414-52	5YR	05/19/2008	2008-12/54

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orders					
Environmental Quality, Radiation Control	31171	R313-17	NSC	05/05/2008	Not Printed
orthodontia					
Health, Health Care Financing, Coverage and Reimbursement Policy	31452	R414-51	5YR	05/19/2008	2008-12/53
osteopathic physician					
Commerce, Occupational and Professional Licensing	31083	R156-68	5YR	03/27/2008	2008-8/53
	31185	R156-68	NSC	05/05/2008	Not Printed
osteopaths					
Commerce, Occupational and Professional Licensing	31083	R156-68	5YR	03/27/2008	2008-8/53
	31185	R156-68	NSC	05/05/2008	Not Printed
overtime					
Human Resource Management, Administration	31193	R477-8	AMD	07/01/2008	2008-10/101
	31784	R477-8	AMD	09/22/2008	2008-16/19
	30778	R477-8-5	AMD	01/22/2008	2007-24/16
paint					
Environmental Quality, Air Quality	30973	R307-840	5YR	02/08/2008	2008-5/47
	30708	R307-840	AMD	02/08/2008	2007-23/48
paraeducator					
Education, Administration	31581	R277-526	NEW	08/07/2008	2008-13/29
parking facilities					
Administrative Services, Facilities Construction and Management	31063	R23-13	5YR	03/17/2008	2008-8/50
Regents (Board Of), University of Utah, Parking and Transportation Services	30712	R810-1	AMD	03/06/2008	2007-23/65
	30722	R810-2	AMD	03/06/2008	2007-23/67
	30727	R810-3	REP	03/06/2008	2007-24/21
	30728	R810-4	REP	03/06/2008	2007-24/22
	30779	R810-5	AMD	03/06/2008	2007-24/23
	30809	R810-6	AMD	03/06/2008	2008-1/26
	30831	R810-7	REP	03/06/2008	2008-1/27
	30834	R810-8	AMD	03/06/2008	2008-1/28
	30836	R810-9	AMD	03/06/2008	2008-1/29
	30839	R810-10	AMD	03/06/2008	2008-1/30
	30840	R810-11	AMD	03/06/2008	2008-1/31
	30843	R810-12	NEW	03/06/2008	2008-1/32
parks					
Natural Resources, Parks and Recreation	30900	R651-205-17	AMD	03/10/2008	2008-3/36
	31661	R651-601	5YR	07/07/2008	2008-15/88
	31662	R651-602	5YR	07/07/2008	2008-15/88
	31663	R651-603	5YR	07/07/2008	2008-15/89
	31664	R651-604	5YR	07/07/2008	2008-15/89
	31665	R651-605	5YR	07/07/2008	2008-15/90

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	31666	R651-606	5YR	07/07/2008	2008-15/90
	31667	R651-607	5YR	07/07/2008	2008-15/91
	31668	R651-608	5YR	07/07/2008	2008-15/91
	31669	R651-609	5YR	07/07/2008	2008-15/92
	31670	R651-610	5YR	07/07/2008	2008-15/92
	30621	R651-611	AMD	01/01/2008	2007-22/80
	31599	R651-611	AMD	08/21/2008	2008-14/66
	30898	R651-611	AMD	03/10/2008	2008-3/39
	31012	R651-612	NSC	03/10/2008	Not Printed
	30901	R651-612	AMD	03/10/2008	2008-3/42
	31671	R651-612	5YR	07/07/2008	2008-15/93
	31672	R651-613	5YR	07/07/2008	2008-15/93
	31673	R651-614	5YR	07/07/2008	2008-15/94
	31674	R651-615	5YR	07/07/2008	2008-15/94
	31675	R651-616	5YR	07/07/2008	2008-15/95
	31602	R651-617	AMD	08/21/2008	2008-14/68
	31676	R651-617	5YR	07/07/2008	2008-15/95
	31677	R651-618	5YR	07/07/2008	2008-15/96
	31678	R651-619	5YR	07/07/2008	2008-15/96
	31679	R651-620	5YR	07/07/2008	2008-15/97
	31680	R651-621	5YR	07/07/2008	2008-15/97
	31681	R651-622	5YR	07/07/2008	2008-15/98
	31682	R651-623	5YR	07/07/2008	2008-15/98
	31683	R651-624	5YR	07/07/2008	2008-15/99
	31684	R651-625	5YR	07/07/2008	2008-15/99
	31660	R651-626	5YR	07/07/2008	2008-15/100
	31685	R651-627	5YR	07/07/2008	2008-15/100
	31686	R651-628	5YR	07/07/2008	2008-15/101
	31687	R651-629	5YR	07/07/2008	2008-15/101
	31601	R651-630	5YR	06/20/2008	2008-14/142
	31688	R651-631	5YR	07/07/2008	2008-15/102
	31689	R651-632	5YR	07/07/2008	2008-15/102
parole					
Pardons (Board Of), Administration	30949	R671-403	5YR	02/04/2008	2008-5/59
	31656	R671-509	5YR	07/03/2008	2008-15/103
	31658	R671-510	5YR	07/03/2008	2008-15/103
	31657	R671-512	5YR	07/03/2008	2008-15/103
	31821	R671-513	5YR	08/14/2008	2008-17/78
	31654	R671-514	5YR	07/03/2008	2008-15/104
	31659	R671-515	5YR	07/03/2008	2008-15/104
	31655	R671-516	5YR	07/03/2008	2008-15/105
	31823	R671-517	5YR	08/14/2008	2008-17/78
	31822	R671-518	5YR	08/14/2008	2008-17/79
	31826	R671-519	5YR	08/14/2008	2008-17/79
	31825	R671-520	5YR	08/14/2008	2008-17/79

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	31824	R671-522	5YR	08/14/2008	2008-17/80
patient rights					
Human Services, Substance Abuse and Mental Health, State Hospital	31450	R525-2	5YR	05/19/2008	2008-12/55
patient safety					
Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
	31280	R380-210-6	NSC	05/05/2008	Not Printed
paying standards					
Public Service Commission, Administration	31092	R746-342	5YR	04/01/2008	2008-8/56
PCN					
Health, Health Care Financing, Coverage and Reimbursement Policy	31358	R414-320	AMD	07/01/2008	2008-10/68
pedestrian					
Regents (Board Of), University of Utah, Administration	31695	R805-1	5YR	07/11/2008	2008-15/105
peer review					
Commerce, Occupational and Professional Licensing	30715	R156-26a	AMD	03/31/2008	2007-23/4
	31763	R156-26a	AMD	09/23/2008	2008-16/5
	30715	R156-26a	CPR	03/31/2008	2008-4/35
penalties					
Labor Commission, Industrial Accidents	31251	R612-9-1	NSC	05/05/2008	Not Printed
per diem allowance					
Administrative Services, Finance	31317	R25-5	5YR	04/29/2008	2008-10/143
per diem allowances					
Administrative Services, Finance	31319	R25-7	5YR	04/29/2008	2008-10/144
	31320	R25-7	AMD	07/01/2008	2008-10/4
performance-based compensation program					
Education, Administration	31440	R277-113	NEW	07/08/2008	2008-11/69
permit					
Natural Resources, Wildlife Resources	31399	R657-45	5YR	05/08/2008	2008-11/127
	31050	R657-45-2	AMD	05/08/2008	2008-7/49
permits					
Environmental Quality, Air Quality	30709	R307-401-14	AMD	02/08/2008	2007-23/42
Natural Resources, Forestry, Fire and State Lands	31896	R652-110	5YR	08/26/2008	2008-18/76
	31112	R652-120	NSC	05/01/2008	Not Printed
Natural Resources, Wildlife Resources	31400	R657-42	5YR	05/08/2008	2008-11/126
	31049	R657-42-8	AMD	05/08/2008	2008-7/48
Transportation, Motor Carrier, Ports of Entry	31794	R912-14	5YR	08/07/2008	2008-17/83
permitting authority					
Environmental Quality, Air Quality	30700	R307-215	REP	02/08/2008	2007-23/31
	30706	R307-417	AMD	02/08/2008	2007-23/43

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persistently dangerous schools					
Education, Administration	31036	R277-483	5YR	03/03/2008	2008-7/62
personal property					
Tax Commission, Property Tax	31418	R884-24P-38	NSC	08/18/2008	Not Printed
	31274	R884-24P-62	NSC	06/23/2008	Not Printed
	30931	R884-24P-62	AMD	03/28/2008	2008-4/30
personnel management					
Human Resource Management, Administration	31186	R477-1	AMD	07/01/2008	2008-10/79
	31190	R477-5	AMD	07/01/2008	2008-10/90
	31191	R477-6	AMD	07/01/2008	2008-10/91
	31782	R477-6-4	AMD	09/22/2008	2008-16/14
	31194	R477-9	AMD	07/01/2008	2008-10/104
	31211	R477-13	NSC	06/19/2008	Not Printed
	31621	R477-14	AMD	08/21/2008	2008-14/51
petroleum					
Environmental Quality, Environmental Response and Remediation	31486	R311-200	NSC	06/18/2008	Not Printed
	31495	R311-200	AMD	08/18/2008	2008-12/13
	31487	R311-201	NSC	06/18/2008	Not Printed
	31496	R311-203	AMD	08/18/2008	2008-12/16
	31497	R311-206-3	AMD	08/18/2008	2008-12/19
	31488	R311-210	NSC	06/18/2008	Not Printed
physically handicapped persons					
Commerce, Administration	31346	R151-3-1	NSC	05/05/2008	Not Printed
physicians					
Commerce, Occupational and Professional Licensing	31183	R156-67	NSC	05/05/2008	Not Printed
pleas					
Pardons (Board Of), Administration	31654	R671-514	5YR	07/03/2008	2008-15/104
PM10					
Environmental Quality, Air Quality	30971	R307-310	5YR	02/08/2008	2008-5/46
	30705	R307-310-2	AMD	02/08/2008	2007-23/40
point-system					
Public Safety, Driver License	31106	R708-3-2	NSC	05/05/2008	Not Printed
pools					
Health, Epidemiology and Laboratory Services, Environmental Services	31097	R392-302	AMD	05/22/2008	2008-8/6
position classifications					
Human Resource Management, Administration	31188	R477-3	AMD	07/01/2008	2008-10/87
post-conviction					
Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
	31363	R25-14	EMR	05/05/2008	2008-10/140

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postsecondary proprietary school					
Commerce, Consumer Protection	31218	R152-34-10	NSC	05/05/2008	Not Printed
POTW					
Environmental Quality, Water Quality	30636	R317-14	NEW	02/04/2008	2007-22/62
powersport vehicles					
Commerce, Administration	31355	R151-35-3	NSC	05/05/2008	Not Printed
preenterprise					
Regents (Board Of), Administration	31515	R765-555	5YR	06/02/2008	2008-12/64
preliminary notice					
Commerce, Occupational and Professional Licensing	31177	R156-38b-703	NSC	05/05/2008	Not Printed
prelitigation					
Commerce, Occupational and Professional Licensing	31055	R156-78A	NSC	03/26/2008	Not Printed
preneed life insurance standards					
Insurance, Administration	31641	R590-251	NEW	08/25/2008	2008-14/64
primary care					
Health, Health Care Financing, Coverage and Reimbursement Policy	31356	R414-310	AMD	07/01/2008	2008-10/66
privacy					
Health, Administration	31455	R380-250	5YR	05/19/2008	2008-12/52
	31484	R495-881	5YR	05/27/2008	2008-12/55
	31485	R495-881	AMD	07/23/2008	2008-12/30
Public Safety, Driver License	31119	R708-36-1	NSC	05/05/2008	Not Printed
private schools					
Education, Administration	31040	R277-747	5YR	03/03/2008	2008-7/64
private security officers					
Commerce, Occupational and Professional Licensing	31182	R156-63	NSC	05/05/2008	Not Printed
probable cause					
Pardons (Board Of), Administration	31658	R671-510	5YR	07/03/2008	2008-15/103
procedures					
Public Service Commission, Administration	31617	R746-210	5YR	06/24/2008	2008-14/143
	31619	R746-240	5YR	06/24/2008	2008-14/144
	31618	R746-340	5YR	06/24/2008	2008-14/144
procurement					
Administrative Services, Facilities Construction and Management	31098	R23-2	AMD	07/14/2008	2008-8/2
Capitol Preservation Board (State), Administration	30591	R131-1	AMD	02/29/2008	2007-21/11
	30590	R131-4	R&R	02/29/2008	2007-21/13
professional					
Education, Administration	30976	R277-515-3	NSC	02/27/2008	Not Printed
	31580	R277-515-4	AMD	08/07/2008	2008-13/28

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professional competency					
Education, Administration	31951	R277-106	5YR	09/15/2008	2008-19/79
	30944	R277-502	AMD	03/24/2008	2008-4/6
	31579	R277-502-6	AMD	08/07/2008	2008-13/27
	31038	R277-508	5YR	03/03/2008	2008-7/63
professional education					
Education, Administration	31444	R277-504	AMD	07/08/2008	2008-11/77
	30878	R277-518	5YR	01/08/2008	2008-3/72
professional employer organization licensing					
Insurance, Administration	31653	R590-246	NEW	09/11/2008	2008-15/42
professional engineers					
Commerce, Occupational and Professional Licensing	31175	R156-22-305	NSC	05/05/2008	Not Printed
professional geologists					
Commerce, Occupational and Professional Licensing	30694	R156-76	AMD	01/08/2008	2007-23/17
professional land surveyors					
Commerce, Occupational and Professional Licensing	31175	R156-22-305	NSC	05/05/2008	Not Printed
professional practices					
Education, Administration	31951	R277-106	5YR	09/15/2008	2008-19/79
program benefits					
Health, Health Care Financing, Coverage and Reimbursement Policy	30922	R414-306	5YR	01/25/2008	2008-4/45
programs					
Public Service Commission, Administration	31795	R746-404	5YR	08/07/2008	2008-17/81
prohibited items and devices					
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed
Human Services, Substance Abuse and Mental Health, State Hospital	31031	R525-6	NEW	05/01/2008	2008-6/7
promotions					
Agriculture and Food, Marketing and Development	31007	R65-2	5YR	02/15/2008	2008-5/38
	31008	R65-5	5YR	02/15/2008	2008-5/38
proof					
Natural Resources, Water Rights	31130	R655-5	5YR	04/08/2008	2008-9/54
property claims					
Treasurer, Unclaimed Property	30596	R966-1-2	AMD	01/07/2008	2007-22/87
property tax					
Tax Commission, Property Tax	31418	R884-24P-38	NSC	08/18/2008	Not Printed
	31274	R884-24P-62	NSC	06/23/2008	Not Printed
	30931	R884-24P-62	AMD	03/28/2008	2008-4/30

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property transactions					
Administrative Services, Facilities Construction and Management	31606	R23-22	NEW	09/11/2008	2008-14/3
	31607	R23-22	EMR	06/25/2008	2008-14/120
prosthetics					
Health, Health Care Financing, Coverage and Reimbursement Policy	31505	R414-70	R&R	08/04/2008	2008-12/24
provider conduct					
Human Services, Administration	31629	R495-876	AMD	08/26/2008	2008-14/53
PSD					
Environmental Quality, Air Quality	30431	R307-405	AMD	01/11/2008	2007-19/15
psychologists					
Commerce, Occupational and Professional Licensing	30915	R156-61	AMD	05/08/2008	2008-3/6
	30915	R156-61	CPR	05/08/2008	2008-7/55
public assistance overpayments					
Human Services, Recovery Services	31563	R527-550	NSC	08/19/2008	Not Printed
public assistance programs					
Health, Health Care Financing, Coverage and Reimbursement Policy	30938	R414-308	5YR	01/31/2008	2008-4/46
	30927	R414-308-7	AMD	04/01/2008	2008-4/16
Human Services, Recovery Services	30982	R527-928	AMD	04/07/2008	2008-5/26
public buildings					
Administrative Services, Facilities Construction and Management	31064	R23-14	5YR	03/17/2008	2008-8/50
Capitol Preservation Board (State), Administration	30590	R131-4	R&R	02/29/2008	2007-21/13
public comments					
Environmental Quality, Radiation Control	31171	R313-17	NSC	05/05/2008	Not Printed
public education					
Education, Administration	31575	R277-437	R&R	08/07/2008	2008-13/16
public finance					
Money Management Council, Administration	31587	R628-18	NSC	08/25/2008	Not Printed
public health					
Health, Epidemiology and Laboratory Services, Environmental Services	31446	R392-100-2	AMD	07/17/2008	2008-11/95
	31494	R392-502	AMD	07/22/2008	2008-12/20
public hearings					
Environmental Quality, Radiation Control	31171	R313-17	NSC	05/05/2008	Not Printed
public information					
Administrative Services, Administration	31343	R13-2	NSC	05/05/2008	Not Printed
Administrative Services, Archives	31553	R17-5	NEW	08/20/2008	2008-13/2
	31702	R17-5	NSC	08/20/2008	Not Printed
	31554	R17-6	NEW	08/20/2008	2008-13/2
	31555	R17-7	NEW	08/20/2008	2008-13/3

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	31556	R17-8	NEW	08/20/2008	2008-13/5
	31703	R17-8-2	NSC	08/20/2008	Not Printed
Human Resource Management, Administration	31187	R477-2	AMD	07/01/2008	2008-10/84
public meetings					
Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
public petitions					
Natural Resources, Forestry, Fire and State Lands	31268	R652-7	NSC	05/05/2008	Not Printed
	31895	R652-7	5YR	08/26/2008	2008-18/76
public records					
Career Service Review Board, Administration	31473	R137-2	5YR	05/21/2008	2008-12/50
	31345	R151-2	NSC	05/05/2008	Not Printed
	31385	R151-2-4	AMD	07/08/2008	2008-11/49
	31284	R380-20	NSC	05/05/2008	Not Printed
Natural Resources, Oil, Gas and Mining; Administration	31202	R642-100	NSC	05/05/2008	Not Printed
	31203	R642-200	NSC	05/05/2008	Not Printed
	31755	R642-200	5YR	07/28/2008	2008-16/71
Natural Resources, Forestry, Fire and State Lands	31259	R652-6	NSC	05/05/2008	Not Printed
Natural Resources, Wildlife Resources	31225	R657-29	NSC	05/05/2008	Not Printed
Regents (Board Of), College of Eastern Utah	31410	R767-1	NSC	08/18/2008	Not Printed
public schools					
Education, Administration	31518	R277-436	5YR	06/02/2008	2008-12/51
	31519	R277-460	5YR	06/02/2008	2008-12/51
	31443	R277-490	NEW	07/08/2008	2008-11/74
public utilities					
Public Service Commission, Administration	31373	R746-100	NSC	05/05/2008	Not Printed
	31372	R746-101-4	NSC	05/05/2008	Not Printed
	31369	R746-110	NSC	05/05/2008	Not Printed
	31620	R746-110	5YR	06/24/2008	2008-14/143
	31044	R746-330	5YR	03/07/2008	2008-7/66
	31095	R746-331	5YR	04/01/2008	2008-8/55
	31091	R746-332	5YR	04/01/2008	2008-8/55
	31092	R746-342	5YR	04/01/2008	2008-8/56
	31797	R746-344	5YR	08/07/2008	2008-17/80
	31798	R746-345	5YR	08/07/2008	2008-17/81
	31045	R746-347	5YR	03/07/2008	2008-7/66
	31628	R746-349	AMD	08/25/2008	2008-14/91
	31374	R746-349-3	NSC	05/05/2008	Not Printed
	31704	R746-360-4	AMD	10/01/2008	2008-15/71
	31371	R746-400-7	NSC	05/05/2008	Not Printed
	31093	R746-402	5YR	04/01/2008	2008-8/56
	31795	R746-404	5YR	08/07/2008	2008-17/81

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	31796	R746-406	5YR	08/07/2008	2008-17/82
	31949	R746-600	5YR	09/15/2008	2008-19/82
purchase					
Education, Administration	31582	R277-606	NEW	08/07/2008	2008-13/31
quality improvement					
Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
	31280	R380-210-6	NSC	05/05/2008	Not Printed
quarantine					
Agriculture and Food, Plant Industry	31125	R68-14	5YR	04/04/2008	2008-9/52
	31543	R68-16	5YR	06/09/2008	2008-13/147
	31126	R68-16	AMD	07/02/2008	2008-9/11
	31009	R68-17	REP	04/11/2008	2008-5/4
Health, Epidemiology and Laboratory Services, Epidemiology	31099	R386-702-12	AMD	06/11/2008	2008-8/5
rabbits					
Natural Resources, Wildlife Resources	31609	R657-6	AMD	08/21/2008	2008-14/69
rabies					
Health, Epidemiology and Laboratory Services, Epidemiology	31099	R386-702-12	AMD	06/11/2008	2008-8/5
radioactive material					
Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10
railroads					
Transportation, Preconstruction	31066	R930-5	AMD	06/10/2008	2008-8/46
rates					
Administrative Services, Finance	31317	R25-5	5YR	04/29/2008	2008-10/143
	31321	R25-8	AMD	07/01/2008	2008-10/7
Labor Commission, Industrial Accidents	30594	R612-4-2	AMD	01/01/2008	2007-22/76
Public Service Commission, Administration	31949	R746-600	5YR	09/15/2008	2008-19/82
Workforce Services, Unemployment Insurance	31547	R994-306	5YR	06/10/2008	2008-13/151
	31548	R994-307	5YR	06/10/2008	2008-13/152
real estate					
Administrative Services, Facilities Construction and Management	31606	R23-22	NEW	09/11/2008	2008-14/3
	31607	R23-22	EMR	06/25/2008	2008-14/120
real estate appraisals					
Commerce, Real Estate	31427	R162-109	NSC	08/18/2008	Not Printed
real estate business					
Commerce, Real Estate	31003	R162-2-2	AMD	04/07/2008	2008-5/7
	31456	R162-3	AMD	07/30/2008	2008-12/8
	31001	R162-8-4	AMD	04/07/2008	2008-5/10
	31429	R162-10	NSC	08/18/2008	Not Printed

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reclamation					
Natural Resources, Oil, Gas and Mining; Coal	30932	R645-100-200	AMD	03/26/2008	2008-4/23
	31204	R645-100-500	NSC	05/05/2008	Not Printed
	31756	R645-101	5YR	07/28/2008	2008-16/71
	31509	R645-102	5YR	06/02/2008	2008-12/58
	31757	R645-104	5YR	07/28/2008	2008-16/72
	30934	R645-300-100	AMD	03/26/2008	2008-4/24
	30933	R645-301	AMD	03/26/2008	2008-4/25
	31758	R645-401	5YR	07/28/2008	2008-16/72
records					
Regents (Board Of), University of Utah, Administration	31340	R805-2	NSC	05/05/2008	Not Printed
	31718	R805-2	5YR	07/17/2008	2008-16/75
records access					
Career Service Review Board, Administration	31473	R137-2	5YR	05/21/2008	2008-12/50
	31327	R765-993	NSC	05/05/2008	Not Printed
Regents (Board Of), College of Eastern Utah	31410	R767-1	NSC	08/18/2008	Not Printed
records appeal hearings					
Administrative Services, Records Committee	31560	R35-1	NSC	08/19/2008	Not Printed
	31561	R35-1a	NSC	08/19/2008	Not Printed
	31567	R35-2	NSC	08/19/2008	Not Printed
	31568	R35-3	NSC	08/19/2008	Not Printed
	31570	R35-5-1	NSC	08/19/2008	Not Printed
	31571	R35-6-1	NSC	08/19/2008	Not Printed
records appeal hearingss					
Administrative Services, Records Committee	31569	R35-4	NSC	08/19/2008	Not Printed
records management					
Regents (Board Of), Administration	31327	R765-993	NSC	05/05/2008	Not Printed
records retention					
Administrative Services, Archives	31553	R17-5	NEW	08/20/2008	2008-13/2
	31702	R17-5	NSC	08/20/2008	Not Printed
	31554	R17-6	NEW	08/20/2008	2008-13/2
	31555	R17-7	NEW	08/20/2008	2008-13/3
	31556	R17-8	NEW	08/20/2008	2008-13/5
	31703	R17-8-2	NSC	08/20/2008	Not Printed
recreation					
Natural Resources, Parks and Recreation	30899	R651-301	AMD	03/10/2008	2008-3/37
recreation therapy					
Commerce, Occupational and Professional Licensing	31178	R156-40-302e	NSC	05/05/2008	Not Printed

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recreational therapy					
Commerce, Occupational and Professional Licensing	31178	R156-40-302e	NSC	05/05/2008	Not Printed
recreational vehicles					
Commerce, Administration	31354	R151-14-3	NSC	05/05/2008	Not Printed
refugee resettlement program					
Workforce Services, Employment Development	31060	R986-300-303	AMD	05/20/2008	2008-7/52
regionalization					
Environmental Quality, Drinking Water	31157	R309-352	5YR	04/18/2008	2008-10/144
registration					
Commerce, Consumer Protection	31218	R152-34-10	NSC	05/05/2008	Not Printed
rehabilitation					
Education, Rehabilitation	31042	R280-200	5YR	03/03/2008	2008-7/65
Rehabilitation Act 1973					
Human Services, Administration	31367	R495-878	NSC	05/05/2008	Not Printed
	31067	R495-878	AMD	06/13/2008	2008-8/23
reimbursements					
Administrative Services, Finance	31316	R25-6	5YR	04/29/2008	2008-10/143
religious activities					
Tax Commission, Auditing	31531	R865-19S-94	AMD	08/18/2008	2008-13/115
	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
religious education					
Education, Administration	30881	R277-610	5YR	01/08/2008	2008-3/73
relocation benefits					
Administrative Services, Finance	31316	R25-6	5YR	04/29/2008	2008-10/143
renewable					
Natural Resources, Geological Survey	30902	R638-2-6	AMD	03/10/2008	2008-3/35
repair					
Administrative Services, Fleet Operations	31422	R27-8-1	NSC	08/18/2008	Not Printed
reporting					
Health, Health Systems Improvement, Emergency Medical Services	31068	R426-5-3	AMD	06/04/2008	2008-8/17
Labor Commission, Industrial Accidents	31252	R612-10	NSC	05/05/2008	Not Printed
	31565	R612-11	NEW	08/11/2008	2008-13/85
	31734	R612-11	NSC	08/11/2008	Not Printed
	31564	R612-12	NEW	08/11/2008	2008-13/86
	31735	R612-12-2	NSC	08/11/2008	Not Printed
reports					
Education, Administration	31520	R277-484	5YR	06/02/2008	2008-12/52

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	31005	R277-484	AMD	04/11/2008	2008-5/17
Environmental Quality, Air Quality	31558	R307-150-4	AMD	09/04/2008	2008-13/35
Public Service Commission, Administration	31371	R746-400-7	NSC	05/05/2008	Not Printed
reptiles					
Natural Resources, Wildlife Resources	31051	R657-53	AMD	05/08/2008	2008-7/50
	31508	R657-53	5YR	06/02/2008	2008-12/61
	31228	R657-53	NSC	05/05/2008	Not Printed
research					
Education, Administration	31578	R277-492	NEW	08/07/2008	2008-13/25
residency requirements					
School and Institutional Trust Lands, Administration	31526	R850-3	NSC	08/19/2008	Not Printed
residential mortgage loan origination					
Commerce, Real Estate	31457	R162-207	AMD	07/30/2008	2008-12/10
	31002	R162-207-6	AMD	04/07/2008	2008-5/12
	31278	R162-208	AMD	06/23/2008	2008-10/50
	31428	R162-209	NSC	08/18/2008	Not Printed
	31004	R162-210-4	AMD	04/07/2008	2008-5/13
resorts					
Health, Epidemiology and Laboratory Services, Environmental Services	31494	R392-502	AMD	07/22/2008	2008-12/20
resource decision					
Public Service Commission, Administration	31072	R746-440	NSC	04/11/2008	Not Printed
restitution					
Pardons (Board Of), Administration	30949	R671-403	5YR	02/04/2008	2008-5/59
retirement					
Human Resource Management, Administration	31210	R477-12	AMD	07/01/2008	2008-10/110
retirement benefits					
Public Service Commission, Administration	31949	R746-600	5YR	09/15/2008	2008-19/82
retrofit					
Education, Administration	31582	R277-606	NEW	08/07/2008	2008-13/31
revocation					
Pardons (Board Of), Administration	31655	R671-516	5YR	07/03/2008	2008-15/105
right of petition					
Natural Resources, Forestry, Fire and State Lands	31110	R652-9-100	NSC	05/01/2008	Not Printed
right of way					
Transportation, Administration	31962	R907-64	5YR	09/18/2008	Not Printed
	31965	R907-65	5YR	09/22/2008	Not Printed
risk management					
Administrative Services, Risk Management	31347	R37-2	AMD	06/23/2008	2008-10/8
	31150	R37-4	R&R	07/01/2008	2008-9/5

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roads					
Natural Resources, Forestry, Fire and State Lands	31896	R652-110	5YR	08/26/2008	2008-18/76
roofs					
Administrative Services, Facilities Construction and Management	31064	R23-14	5YR	03/17/2008	2008-8/50
rules					
Public Service Commission, Administration	31617	R746-210	5YR	06/24/2008	2008-14/143
rules and procedures					
Health, Administration	31281	R380-1	NSC	05/05/2008	Not Printed
	31282	R380-5	NSC	05/05/2008	Not Printed
Health, Epidemiology and Laboratory Services, Epidemiology	31099	R386-702-12	AMD	06/11/2008	2008-8/5
Health, Community and Family Health Services, Immunization	31753	R396-100	5YR	07/25/2008	2008-16/67
	31173	R396-100	NSC	07/25/2008	Not Printed
	31100	R396-100-3	AMD	07/29/2008	2008-8/14
Human Resource Management, Administration	31186	R477-1	AMD	07/01/2008	2008-10/79
	31211	R477-13	NSC	06/19/2008	Not Printed
Natural Resources, Wildlife Resources	31224	R657-27-11	NSC	05/05/2008	Not Printed
Public Safety, Driver License	31545	R708-2	R&R	08/08/2008	2008-13/87
	31105	R708-2-25	NSC	05/05/2008	Not Printed
Public Service Commission, Administration	31373	R746-100	NSC	05/05/2008	Not Printed
	31372	R746-101-4	NSC	05/05/2008	Not Printed
	31369	R746-110	NSC	05/05/2008	Not Printed
	31620	R746-110	5YR	06/24/2008	2008-14/143
	31091	R746-332	5YR	04/01/2008	2008-8/55
	31092	R746-342	5YR	04/01/2008	2008-8/56
	31797	R746-344	5YR	08/07/2008	2008-17/80
	31798	R746-345	5YR	08/07/2008	2008-17/81
	31371	R746-400-7	NSC	05/05/2008	Not Printed
	31093	R746-402	5YR	04/01/2008	2008-8/56
	31795	R746-404	5YR	08/07/2008	2008-17/81
	31101	R746-405	5YR	04/01/2008	2008-8/57
Rural Broadband Service Fund					
Governor, Economic Development	30788	R357-2	NEW	01/30/2008	2007-24/9
	30859	R357-2-7	NSC	01/30/2008	Not Printed
rural economic development					
Governor, Economic Development	30788	R357-2	NEW	01/30/2008	2007-24/9
	30859	R357-2-7	NSC	01/30/2008	Not Printed
safety					
Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10
Labor Commission, Occupational Safety and Health	31244	R614-1	NSC	05/05/2008	Not Printed
	31102	R614-1-4	AMD	05/22/2008	2008-8/30
	31248	R614-3-1	NSC	05/05/2008	Not Printed

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Labor Commission, Safety	31246	R616-2	NSC	05/05/2008	Not Printed
	31253	R616-3	NSC	05/05/2008	Not Printed
	30943	R616-3-3	AMD	03/24/2008	2008-4/21
Regents (Board Of), University of Utah, Administration	31695	R805-1	5YR	07/11/2008	2008-15/105
Transportation, Preconstruction	31066	R930-5	AMD	06/10/2008	2008-8/46
safety regulations					
Transportation, Motor Carrier	30785	R909-19	AMD	02/12/2008	2007-24/26
	31090	R909-75	AMD	05/27/2008	2008-8/45
salaries					
Human Resource Management, Administration	31191	R477-6	AMD	07/01/2008	2008-10/91
	31782	R477-6-4	AMD	09/22/2008	2008-16/14
salary adjustments					
Education, Administration	31572	R277-110	AMD	08/07/2008	2008-13/9
sales tax					
Tax Commission, Auditing	31531	R865-19S-94	AMD	08/18/2008	2008-13/115
	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
salons					
Health, Epidemiology and Laboratory Services, Environmental Services	30612	R392-700	CPR	05/16/2008	2008-7/58
	30612	R392-700	NEW	05/16/2008	2007-22/65
sanitation					
Health, Epidemiology and Laboratory Services, Environmental Services	31446	R392-100-2	AMD	07/17/2008	2008-11/95
	30612	R392-700	CPR	05/16/2008	2008-7/58
	30612	R392-700	NEW	05/16/2008	2007-22/65
scholarship					
Education, Administration	31581	R277-526	NEW	08/07/2008	2008-13/29
school bus					
Education, Administration	31582	R277-606	NEW	08/07/2008	2008-13/31
school buses					
Education, Administration	30879	R277-600	5YR	01/08/2008	2008-3/72
school choice					
Education, Administration	31036	R277-483	5YR	03/03/2008	2008-7/62
school enrollment					
Education, Administration	31574	R277-419	AMD	08/07/2008	2008-13/12
school personnel					
Education, Administration	31038	R277-508	5YR	03/03/2008	2008-7/63
school transportation					
Education, Administration	30879	R277-600	5YR	01/08/2008	2008-3/72

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school year					
Education, Administration	31041	R277-751	5YR	03/03/2008	2008-7/65
schools					
Education, Administration	30848	R277-719	NEW	02/07/2008	2008-1/12
Environmental Quality, Air Quality	30972	R307-801	5YR	02/08/2008	2008-5/47
	30707	R307-801	AMD	02/08/2008	2007-23/45
Public Safety, Driver License	31545	R708-2	R&R	08/08/2008	2008-13/87
	31105	R708-2-25	NSC	05/05/2008	Not Printed
science					
Education, Administration	31578	R277-492	NEW	08/07/2008	2008-13/25
secure area hearing rooms					
Regents (Board Of), Administration	31492	R765-254	5YR	05/27/2008	2008-12/63
secure areas					
Human Services, Substance Abuse and Mental Health, State Hospital	31031	R525-6	NEW	05/01/2008	2008-6/7
securities					
Commerce, Securities	31541	R164-31	NEW	08/26/2008	2008-13/8
securities regulation					
Commerce, Securities	31541	R164-31	NEW	08/26/2008	2008-13/8
security					
Administrative Services, Facilities Construction and Management	31064	R23-14	5YR	03/17/2008	2008-8/50
security guards					
Commerce, Occupational and Professional Licensing	31182	R156-63	NSC	05/05/2008	Not Printed
self insurance plans					
Labor Commission, Industrial Accidents	31230	R612-3	5YR	04/28/2008	2008-10/149
seminars					
Human Services, Substance Abuse and Mental Health	31164	R523-24-7	AMD	07/14/2008	2008-10/116
	31165	R523-24-9	AMD	07/14/2008	2008-10/117
	31353	R523-24-13	NSC	05/05/2008	Not Printed
seniors					
Human Services, Aging and Adult Services	31027	R510-105	5YR	02/27/2008	2008-6/26
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Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
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Human Services, Substance Abuse and Mental Health	31166	R523-23-9	AMD	07/14/2008	2008-10/114
	31351	R523-23-13	NSC	05/05/2008	Not Printed
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Labor Commission, Adjudication	31236	R602-2-1	NSC	05/05/2008	Not Printed
	30811	R602-2-4	AMD	02/07/2008	2008-1/14

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	30810	R602-3-3	AMD	02/07/2008	2008-1/16
	31643	R602-4	EMR	07/01/2008	2008-14/127
Labor Commission, Industrial Accidents	31252	R612-10	NSC	05/05/2008	Not Printed
	31565	R612-11	NEW	08/11/2008	2008-13/85
	31734	R612-11	NSC	08/11/2008	Not Printed
	31564	R612-12	NEW	08/11/2008	2008-13/86
	31735	R612-12-2	NSC	08/11/2008	Not Printed
sewage effluent use Natural Resources, Water Rights	30947	R655-7	5YR	02/01/2008	2008-4/47
sewage treatment Environmental Quality, Water Quality	31103	R317-101	5YR	04/02/2008	2008-9/53
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skills tests Public Safety, Driver License	31120	R708-37-11	NSC	05/05/2008	Not Printed
SLCC Regents (Board Of), Salt Lake Community College	31344	R784-1	NSC	05/05/2008	Not Printed
SLEAP Regents (Board Of), Administration	31405	R765-606	5YR	05/09/2008	2008-11/129
social security numbers Human Services, Services for People with Disabilities	30877	R539-1-8	AMD	04/01/2008	2008-3/32
	30926	R539-1-8	EMR	01/28/2008	2008-4/38
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	31629	R495-876	AMD	08/26/2008	2008-14/53
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	30718	R512-50	REP	01/07/2008	2007-23/60
	31857	R512-200	5YR	08/20/2008	2008-18/71
	31858	R512-201	5YR	08/20/2008	2008-18/71
	31859	R512-202	5YR	08/20/2008	2008-18/72
	31860	R512-300	5YR	08/20/2008	2008-18/72
	31861	R512-301	5YR	08/20/2008	2008-18/73
	31863	R512-305	5YR	08/20/2008	2008-18/74
solar Natural Resources, Geological Survey	30902	R638-2-6	AMD	03/10/2008	2008-3/35
solicitations Commerce, Consumer Protection	31216	R152-22-9	NSC	05/05/2008	Not Printed

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	30986	R315-302	5YR	02/14/2008	2008-5/49
	30992	R315-303	5YR	02/14/2008	2008-5/49
	30991	R315-305	5YR	02/14/2008	2008-5/50
	30985	R315-306	5YR	02/14/2008	2008-5/51
	30993	R315-307	5YR	02/14/2008	2008-5/51
	30995	R315-308	5YR	02/14/2008	2008-5/52
	30994	R315-309	5YR	02/14/2008	2008-5/52
	30996	R315-310	5YR	02/14/2008	2008-5/53
	30983	R315-311	5YR	02/14/2008	2008-5/53
	31381	R315-311-2	NSC	08/18/2008	Not Printed
	30997	R315-312	5YR	02/14/2008	2008-5/54
	30998	R315-313	5YR	02/14/2008	2008-5/54
	30999	R315-314	5YR	02/14/2008	2008-5/55
	30989	R315-315	5YR	02/14/2008	2008-5/55
	30988	R315-316	5YR	02/14/2008	2008-5/56
	30984	R315-317	5YR	02/14/2008	2008-5/57
	31382	R315-317-3	NSC	08/18/2008	Not Printed
	30987	R315-318	5YR	02/14/2008	2008-5/57
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Environmental Quality, Drinking Water	31709	R309-515-6	AMD	09/10/2008	2008-15/26
	31710	R309-515-6	AMD	09/10/2008	2008-15/28
source maintenance					
Environmental Quality, Drinking Water	31709	R309-515-6	AMD	09/10/2008	2008-15/26
	31710	R309-515-6	AMD	09/10/2008	2008-15/28
spas					
Health, Epidemiology and Laboratory Services, Environmental Services	31097	R392-302	AMD	05/22/2008	2008-8/6
special educators					
Education, Administration	31445	R277-525	NEW	07/08/2008	2008-11/82
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Natural Resources, Wildlife Resources	31226	R657-48-7	NSC	05/05/2008	Not Printed
speech impaired					
Public Service Commission, Administration	31375	R746-510	NSC	05/05/2008	Not Printed
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Commerce, Occupational and Professional Licensing	31397	R156-41	AMD	07/14/2008	2008-11/65
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Regents (Board Of), University of Utah, Administration	31695	R805-1	5YR	07/11/2008	2008-15/105
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Education, Administration	30976	R277-515-3	NSC	02/27/2008	Not Printed

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	31319	R25-7	5YR	04/29/2008	2008-10/144
	31320	R25-7	AMD	07/01/2008	2008-10/4
	31321	R25-8	AMD	07/01/2008	2008-10/7
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state fleet information system					
Administrative Services, Fleet Operations	31419	R27-5-2	NSC	08/18/2008	Not Printed
state hospital					
Human Services, Substance Abuse and Mental Health, State Hospital	31031	R525-6	NEW	05/01/2008	2008-6/7
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Community and Culture, Indian Affairs	30912	R230-1	CPR	07/16/2008	2008-11/122
	30912	R230-1	AMD	07/16/2008	2008-3/12
state records committee					
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State Records Committee					
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	31568	R35-3	NSC	08/19/2008	Not Printed
	31569	R35-4	NSC	08/19/2008	Not Printed
	31570	R35-5-1	NSC	08/19/2008	Not Printed
	31571	R35-6-1	NSC	08/19/2008	Not Printed
State Records Comsmittee					
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stipends					
Education, Administration	31445	R277-525	NEW	07/08/2008	2008-11/82
stocks					
Treasurer, Unclaimed Property	30596	R966-1-2	AMD	01/07/2008	2007-22/87
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student					
Education, Administration	31037	R277-485	5YR	03/03/2008	2008-7/63
student competency					
Education, Administration	30883	R277-702	5YR	01/08/2008	2008-3/74
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Human Services, Substance Abuse and Mental Health	31166	R523-23-9	AMD	07/14/2008	2008-10/114
	31351	R523-23-13	NSC	05/05/2008	Not Printed
substance abuse prevention					
Education, Administration	31519	R277-460	5YR	06/02/2008	2008-12/51
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Human Services, Substance Abuse and Mental Health, State Hospital	31451	R525-7	5YR	05/19/2008	2008-12/57
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superfund					
Environmental Quality, Environmental Response and Remediation	30567	R311-401-2	AMD	01/02/2008	2007-21/59
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Commerce, Occupational and Professional Licensing	31288	R156-1	AMD	06/23/2008	2008-10/30
	30655	R156-1-102a	AMD	01/08/2008	2007-23/3
supported employment					
Human Services, Services for People with Disabilities	31084	R539-9	AMD	05/22/2008	2008-8/26
surplus property					
Administrative Services, Fleet Operations, Surplus Property	31117	R28-3	5YR	04/04/2008	2008-9/52
surveyors					
Commerce, Occupational and Professional Licensing	31175	R156-22-305	NSC	05/05/2008	Not Printed
suspension					
Transportation, Administration	31963	R907-67	5YR	09/18/2008	Not Printed
suspensions					
Natural Resources, Wildlife Resources	31223	R657-26	NSC	05/05/2008	Not Printed
systems					
Public Safety, Fire Marshal	31085	R710-7	AMD	05/23/2008	2008-8/40
tanning beds					
Health, Epidemiology and Laboratory Services, Environmental Services	30612	R392-700	CPR	05/16/2008	2008-7/58
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Public Service Commission, Administration	31101	R746-405	5YR	04/01/2008	2008-8/57

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	30889	R307-121-3	NSC	01/30/2008	Not Printed
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Tax Commission, Auditing	31531	R865-19S-94	AMD	08/18/2008	2008-13/115
	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
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tax returns					
Tax Commission, Auditing	31458	R865-9I-4	AMD	08/14/2008	2008-12/43
	31530	R865-9I-6	AMD	08/18/2008	2008-13/113
	31459	R865-9I-11	AMD	08/14/2008	2008-12/44
	31460	R865-9I-12	AMD	08/14/2008	2008-12/45
	31463	R865-9I-13	AMD	08/14/2008	2008-12/45
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	31413	R865-9I-37	NSC	08/18/2008	Not Printed
	31464	R865-9I-39	AMD	08/14/2008	2008-12/46
	31639	R865-9I-41	NSC	08/25/2008	Not Printed
	31414	R865-9I-42	NSC	08/18/2008	Not Printed
	31415	R865-9I-46	NSC	08/18/2008	Not Printed
	31466	R865-9I-48	AMD	08/14/2008	2008-12/47
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	31532	R865-9I-50	AMD	08/18/2008	2008-13/114
	31470	R865-9I-52	AMD	08/14/2008	2008-12/48
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Tax Commission, Administration	31535	R861-1A-1	AMD	08/18/2008	2008-13/110
	31536	R861-1A-3	AMD	08/18/2008	2008-13/111
	31386	R861-1A-13	NSC	08/18/2008	Not Printed
	31633	R861-1A-16	AMD	09/09/2008	2008-14/96
	30688	R861-1A-20	AMD	01/11/2008	2007-23/68
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	31634	R861-1A-23	AMD	09/09/2008	2008-14/98
	30589	R861-1A-24	AMD	01/11/2008	2007-21/69
	31395	R861-1A-24	NSC	08/18/2008	Not Printed
	30717	R861-1A-26	AMD	01/11/2008	2007-23/69
	31635	R861-1A-26	AMD	09/09/2008	2008-14/99
	31638	R861-1A-27	AMD	09/09/2008	2008-14/101
	31403	R861-1A-28	NSC	08/18/2008	Not Printed
	31404	R861-1A-29	NSC	08/18/2008	Not Printed
	31406	R861-1A-30	NSC	08/18/2008	Not Printed

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	31412	R861-1A-32	NSC	08/18/2008	Not Printed
	30838	R861-1A-40	AMD	02/25/2008	2008-1/32
	30835	R861-1A-42	AMD	02/25/2008	2008-1/33
	30780	R861-1A-43	AMD	01/25/2008	2007-24/24
Tax Commission, Auditing	31632	R865-6F-8	AMD	09/09/2008	2008-14/102
	30913	R865-6F-28	AMD	03/14/2008	2008-3/61
	31534	R865-6F-35	AMD	08/18/2008	2008-13/112
	30842	R865-6F-37	AMD	02/25/2008	2008-1/35
	31533	R865-20T-13	AMD	08/18/2008	2008-13/116
Tax Commission, Motor Vehicle	30844	R873-22M-34	AMD	02/25/2008	2008-1/38
	31264	R873-22M-41	AMD	06/27/2008	2008-10/133
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	31274	R884-24P-62	NSC	06/23/2008	Not Printed
	30931	R884-24P-62	AMD	03/28/2008	2008-4/30
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Human Services, Recovery Services	31162	R527-475	AMD	06/25/2008	2008-10/121
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Education, Administration	31444	R277-504	AMD	07/08/2008	2008-11/77
	30951	R686-100	5YR	02/04/2008	2008-5/59
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	31521	R686-101	5YR	06/02/2008	2008-12/62
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	31618	R746-340	5YR	06/24/2008	2008-14/144
	31092	R746-342	5YR	04/01/2008	2008-8/56
	31797	R746-344	5YR	08/07/2008	2008-17/80
	31798	R746-345	5YR	08/07/2008	2008-17/81
	31045	R746-347	5YR	03/07/2008	2008-7/66
	31628	R746-349	AMD	08/25/2008	2008-14/91
	31374	R746-349-3	NSC	05/05/2008	Not Printed
	31704	R746-360-4	AMD	10/01/2008	2008-15/71
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	31784	R477-8	AMD	09/22/2008	2008-16/19
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Public Service Commission, Administration	31619	R746-240	5YR	06/24/2008	2008-14/144
terminally ill					
Corrections, Administration	30803	R251-114	NEW	03/11/2008	2008-1/6
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Labor Commission, Adjudication	31250	R602-1	NSC	05/05/2008	Not Printed
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Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
	31149	R610-1-4	AMD	06/13/2008	2008-9/48
	31245	R610-2	NSC	05/05/2008	Not Printed
	30942	R610-2-6	AMD	03/24/2008	2008-4/19
	31243	R610-3	NSC	05/05/2008	Not Printed
	30876	R610-3-4	EMR	01/03/2008	2008-3/70
	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
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Insurance, Title and Escrow Commission	31341	R592-9	NEW	07/14/2008	2008-10/128
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Tax Commission, Auditing	31533	R865-20T-13	AMD	08/18/2008	2008-13/116
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	31353	R523-24-13	NSC	05/05/2008	Not Printed
Public Service Commission, Administration	31375	R746-510	NSC	05/05/2008	Not Printed
training programs					
Human Resource Management, Administration	31195	R477-10	AMD	07/01/2008	2008-10/106
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Human Services, Child and Family Services	31863	R512-305	5YR	08/20/2008	2008-18/74
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Administrative Services, Finance	31319	R25-7	5YR	04/29/2008	2008-10/144
	31320	R25-7	AMD	07/01/2008	2008-10/4
Human Services, Aging and Adult Services	31027	R510-105	5YR	02/27/2008	2008-6/26
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Transportation, Operations, Maintenance	31693	R918-4	NSC	08/25/2008	Not Printed
	31890	R918-4	5YR	08/25/2008	2008-18/77
Transportation, Preconstruction	31066	R930-5	AMD	06/10/2008	2008-8/46
transportation conformity					
Environmental Quality, Air Quality	30971	R307-310	5YR	02/08/2008	2008-5/46
	30705	R307-310-2	AMD	02/08/2008	2007-23/40
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Administrative Services, Facilities Construction and Management	31063	R23-13	5YR	03/17/2008	2008-8/50
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Transportation, Motor Carrier	30783	R909-1-1	AMD	02/15/2008	2007-24/25
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Health, Health Systems Improvement, Emergency Medical Services	31068	R426-5-3	AMD	06/04/2008	2008-8/17
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Natural Resources, Parks and Recreation	31679	R651-620	5YR	07/07/2008	2008-15/97
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Tax Commission, Auditing	31632	R865-6F-8	AMD	09/09/2008	2008-14/102
	30913	R865-6F-28	AMD	03/14/2008	2008-3/61
	31534	R865-6F-35	AMD	08/18/2008	2008-13/112
	30842	R865-6F-37	AMD	02/25/2008	2008-1/35
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Transportation, Motor Carrier	30783	R909-1-1	AMD	02/15/2008	2007-24/25
	30785	R909-19	AMD	02/12/2008	2007-24/26
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	30612	R392-700	NEW	05/16/2008	2007-22/65
unarmed combat					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31028	R859-1	AMD	05/01/2008	2008-6/15
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31566	R859-1-501	AMD	09/01/2008	2008-13/106
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
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Public Safety, Criminal Investigations and Technical Services, Criminal Identification	30929	R722-320	NSC	05/14/2008	Not Printed
	31434	R722-320	5YR	05/14/2008	2008-11/127
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Environmental Quality, Environmental Response and Remediation	31486	R311-200	NSC	06/18/2008	Not Printed
	31495	R311-200	AMD	08/18/2008	2008-12/13
	31487	R311-201	NSC	06/18/2008	Not Printed
	31496	R311-203	AMD	08/18/2008	2008-12/16
	31497	R311-206-3	AMD	08/18/2008	2008-12/19
	31488	R311-210	NSC	06/18/2008	Not Printed
unemployment compensation					
Workforce Services, Unemployment Insurance	31075	R994-106-106	AMD	05/30/2008	2008-8/48
	31467	R994-201	5YR	05/20/2008	2008-12/64
	31468	R994-202	5YR	05/20/2008	2008-12/65
	31469	R994-208	5YR	05/20/2008	2008-12/65
	31547	R994-306	5YR	06/10/2008	2008-13/151
	31548	R994-307	5YR	06/10/2008	2008-13/152
	30771	R994-508	AMD	02/15/2008	2007-24/30
	31546	R994-508	5YR	06/10/2008	2008-13/153
	31020	R994-508-117	NSC	03/11/2008	Not Printed
	31071	R994-508-118	NSC	04/14/2008	Not Printed
uninsured employers					
Labor Commission, Industrial Accidents	31251	R612-9-1	NSC	05/05/2008	Not Printed
units					
Environmental Quality, Radiation Control	31170	R313-12-1	NSC	05/05/2008	Not Printed
	30774	R313-12-111	AMD	04/11/2008	2007-24/8
	30774	R313-12-111	CPR	04/11/2008	2008-5/34
universal individual health application					
Insurance, Administration	31335	R590-247	NEW	06/30/2008	2008-10/124

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universal service					
Public Service Commission, Administration	31704	R746-360-4	AMD	10/01/2008	2008-15/71
used oil					
Environmental Quality, Solid and Hazardous Waste	30907	R315-15-1	AMD	03/13/2008	2008-3/16
	30908	R315-15-10	AMD	03/13/2008	2008-3/19
	30909	R315-15-11	AMD	03/13/2008	2008-3/21
	30910	R315-15-12	AMD	03/13/2008	2008-3/23
	30911	R315-15-17	AMD	03/13/2008	2008-3/29
USTAR					
Education, Administration	31578	R277-492	NEW	08/07/2008	2008-13/25
Utah Housing Opportunity Restricted Account					
Commerce, Real Estate	31000	R162-12	NEW	04/07/2008	2008-5/11
utilities					
Public Service Commission, Administration	31642	R746-800	NEW	08/25/2008	2008-14/95
utility regulation					
Public Service Commission, Administration	31101	R746-405	5YR	04/01/2008	2008-8/57
vacations					
Human Resource Management, Administration	31192	R477-7	AMD	07/01/2008	2008-10/95
	31788	R477-7	AMD	09/22/2008	2008-16/16
variances					
Environmental Quality, Air Quality	30960	R307-102	5YR	02/08/2008	2008-5/40
	31462	R307-102	NSC	06/18/2008	Not Printed
vehicle maintenance					
Administrative Services, Fleet Operations	31422	R27-8-1	NSC	08/18/2008	Not Printed
vehicle replacement					
Administrative Services, Fleet Operations	30618	R27-4	AMD	03/06/2008	2007-22/9
	31411	R27-4	NSC	08/18/2008	Not Printed
vending machines					
Education, Administration	30848	R277-719	NEW	02/07/2008	2008-1/12
vendor approval					
Administrative Services, Fleet Operations	31422	R27-8-1	NSC	08/18/2008	Not Printed
veterinary medicine					
Commerce, Occupational and Professional Licensing	31396	R156-28	AMD	07/10/2008	2008-11/56
viatical					
Insurance, Administration	31523	R590-222	5YR	06/02/2008	2008-12/58
	31500	R590-222	AMD	08/04/2008	2008-12/36
victim compensation					
Crime Victim Reparations, Administration	31322	R270-1	NSC	05/05/2008	Not Printed
	30593	R270-1-11	AMD	01/02/2008	2007-22/33

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	31504	R270-1-23	AMD	07/28/2008	2008-12/12
	31529	R270-1-24	AMD	08/11/2008	2008-13/8
victims of crime					
Crime Victim Reparations, Administration	31322	R270-1	NSC	05/05/2008	Not Printed
	31529	R270-1-24	AMD	08/11/2008	2008-13/8
victims of crimes					
Crime Victim Reparations, Administration	30593	R270-1-11	AMD	01/02/2008	2007-22/33
	31013	R270-1-22	AMD	05/19/2008	2008-6/3
	31504	R270-1-23	AMD	07/28/2008	2008-12/12
violations					
Natural Resources, Wildlife Resources	31223	R657-26	NSC	05/05/2008	Not Printed
visitors					
Human Services, Substance Abuse and Mental Health, State Hospital	31447	R525-4	5YR	05/19/2008	2008-12/56
vocational education					
Education, Rehabilitation	31042	R280-200	5YR	03/03/2008	2008-7/65
wages					
Human Services, Recovery Services	31158	R527-300	AMD	09/04/2008	2008-10/118
Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
	31149	R610-1-4	AMD	06/13/2008	2008-9/48
	31245	R610-2	NSC	05/05/2008	Not Printed
	30942	R610-2-6	AMD	03/24/2008	2008-4/19
	31243	R610-3	NSC	05/05/2008	Not Printed
	30876	R610-3-4	EMR	01/03/2008	2008-3/70
	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
Workforce Services, Unemployment Insurance	31469	R994-208	5YR	05/20/2008	2008-12/65
warrants					
Pardons (Board Of), Administration	31658	R671-510	5YR	07/03/2008	2008-15/103
	31657	R671-512	5YR	07/03/2008	2008-15/103
	31821	R671-513	5YR	08/14/2008	2008-17/78
waste disposal					
Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10
Environmental Quality, Solid and Hazardous Waste	30990	R315-301	5YR	02/14/2008	2008-5/48
	30986	R315-302	5YR	02/14/2008	2008-5/49
	30992	R315-303	5YR	02/14/2008	2008-5/49
	30991	R315-305	5YR	02/14/2008	2008-5/50
	30985	R315-306	5YR	02/14/2008	2008-5/51
	30993	R315-307	5YR	02/14/2008	2008-5/51
	30995	R315-308	5YR	02/14/2008	2008-5/52
	30994	R315-309	5YR	02/14/2008	2008-5/52

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	30983	R315-311	5YR	02/14/2008	2008-5/53
	31381	R315-311-2	NSC	08/18/2008	Not Printed
	30997	R315-312	5YR	02/14/2008	2008-5/54
	30999	R315-314	5YR	02/14/2008	2008-5/55
	30989	R315-315	5YR	02/14/2008	2008-5/55
	30988	R315-316	5YR	02/14/2008	2008-5/56
	30984	R315-317	5YR	02/14/2008	2008-5/57
	31382	R315-317-3	NSC	08/18/2008	Not Printed
	30987	R315-318	5YR	02/14/2008	2008-5/57
Environmental Quality, Water Quality	30639	R317-1-4	AMD	02/04/2008	2007-22/52
	30637	R317-13	NEW	02/04/2008	2007-22/61
waste to energy plant					
Environmental Quality, Air Quality	30703	R307-223	AMD	02/08/2008	2007-23/38
	30968	R307-223	5YR	02/08/2008	2008-5/45
wastewater					
Environmental Quality, Water Quality	30638	R317-3-11	AMD	02/04/2008	2007-22/57
	30636	R317-14	NEW	02/04/2008	2007-22/62
	31103	R317-101	5YR	04/02/2008	2008-9/53
water					
Public Service Commission, Administration	31044	R746-330	5YR	03/07/2008	2008-7/66
	31095	R746-331	5YR	04/01/2008	2008-8/55
	31091	R746-332	5YR	04/01/2008	2008-8/55
water funding					
Natural Resources, Water Resources	30855	R653-2	NEW	02/25/2008	2008-2/20
	30940	R653-2	NSC	02/25/2008	Not Printed
water pollution					
Environmental Quality, Water Quality	30639	R317-1-4	AMD	02/04/2008	2007-22/52
	30638	R317-3-11	AMD	02/04/2008	2007-22/57
	31584	R317-8	AMD	09/10/2008	2008-13/47
	30948	R317-9	5YR	02/01/2008	2008-4/42
	30637	R317-13	NEW	02/04/2008	2007-22/61
water quality					
Environmental Quality, Water Quality	30638	R317-3-11	AMD	02/04/2008	2007-22/57
	31103	R317-101	5YR	04/02/2008	2008-9/53
Public Service Commission, Administration	31044	R746-330	5YR	03/07/2008	2008-7/66
water rights					
Natural Resources, Water Rights	31694	R655-4	AMD	09/10/2008	2008-15/45
	31130	R655-5	5YR	04/08/2008	2008-9/54
	31431	R655-14	AMD	07/08/2008	2008-11/104
waterslides					
Health, Epidemiology and Laboratory Services, Environmental Services	31097	R392-302	AMD	05/22/2008	2008-8/6

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weapons					
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	31348	R525-6	NSC	05/01/2008	Not Printed
Natural Resources, Parks and Recreation	31012	R651-612	NSC	03/10/2008	Not Printed
weed control					
Agriculture and Food, Plant Industry	31544	R68-9	5YR	06/09/2008	2008-13/147
	31128	R68-9	AMD	07/02/2008	2008-9/8
welfare					
Human Services, Recovery Services	31432	R527-3	NSC	08/18/2008	Not Printed
well drilling					
Natural Resources, Water Rights	31694	R655-4	AMD	09/10/2008	2008-15/45
white-collar contests					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31028	R859-1	AMD	05/01/2008	2008-6/15
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
wildland fire fund					
Natural Resources, Forestry, Fire and State Lands	31108	R652-121	NSC	05/01/2008	Not Printed
wildland urban interface					
Natural Resources, Forestry, Fire and State Lands	31109	R652-122-100	NSC	05/01/2008	Not Printed
wildlife					
Natural Resources, Wildlife Resources	31219	R657-2	NSC	05/05/2008	Not Printed
	31047	R657-3	5YR	03/11/2008	2008-7/65
	31220	R657-3	NSC	05/05/2008	Not Printed
	31053	R657-3	AMD	05/08/2008	2008-7/45
	30829	R657-5	AMD	02/07/2008	2008-1/18
	31609	R657-6	AMD	08/21/2008	2008-14/69
	30777	R657-12	AMD	01/22/2008	2007-24/19
	31221	R657-12-1	NSC	05/05/2008	Not Printed
	30676	R657-13	AMD	01/07/2008	2007-23/61
	31048	R657-13-3	AMD	05/08/2008	2008-7/47
	30904	R657-13-4	AMD	03/10/2008	2008-3/43
	31611	R657-16	AMD	08/21/2008	2008-14/70
	31807	R657-19	5YR	08/12/2008	2008-17/77
	31222	R657-22-1	NSC	05/05/2008	Not Printed
	30828	R657-23	AMD	02/07/2008	2008-1/25
	31613	R657-23	AMD	08/21/2008	2008-14/73
	30955	R657-23-5	AMD	04/07/2008	2008-5/31
	31223	R657-26	NSC	05/05/2008	Not Printed
	31224	R657-27-11	NSC	05/05/2008	Not Printed
	30906	R657-33	AMD	03/10/2008	2008-3/44

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	31401	R657-37	5YR	05/08/2008	2008-11/126
	31400	R657-42	5YR	05/08/2008	2008-11/126
	31049	R657-42-8	AMD	05/08/2008	2008-7/48
	31051	R657-53	AMD	05/08/2008	2008-7/50
	31228	R657-53	NSC	05/05/2008	Not Printed
	31508	R657-53	5YR	06/02/2008	2008-12/61
	31608	R657-55	AMD	08/21/2008	2008-14/75
	31610	R657-57	NEW	08/21/2008	2008-14/77
	30903	R657-58	NEW	03/10/2008	2008-3/47
	31052	R657-58	NSC	03/26/2008	Not Printed
	31612	R657-59	NEW	08/21/2008	2008-14/80
	31625	R657-59	EMR	06/27/2008	2008-14/129
	31623	R657-60	NEW	08/21/2008	2008-14/88
	31624	R657-60	EMR	06/27/2008	2008-14/137
	31805	R657-60	EMR	08/13/2008	2008-17/73
wildlife law					
Natural Resources, Wildlife Resources	30777	R657-12	AMD	01/22/2008	2007-24/19
	31221	R657-12-1	NSC	05/05/2008	Not Printed
	30676	R657-13	AMD	01/07/2008	2007-23/61
	31048	R657-13-3	AMD	05/08/2008	2008-7/47
	30904	R657-13-4	AMD	03/10/2008	2008-3/43
	31222	R657-22-1	NSC	05/05/2008	Not Printed
	31224	R657-27-11	NSC	05/05/2008	Not Printed
	31610	R657-57	NEW	08/21/2008	2008-14/77
	30903	R657-58	NEW	03/10/2008	2008-3/47
	31052	R657-58	NSC	03/26/2008	Not Printed
	31612	R657-59	NEW	08/21/2008	2008-14/80
	31623	R657-60	NEW	08/21/2008	2008-14/88
	31624	R657-60	EMR	06/27/2008	2008-14/137
	31805	R657-60	EMR	08/13/2008	2008-17/73
wildlife permits					
Natural Resources, Wildlife Resources	31608	R657-55	AMD	08/21/2008	2008-14/75
witness fees					
Labor Commission, Adjudication	31250	R602-1	NSC	05/05/2008	Not Printed
woodburning					
Environmental Quality, Air Quality	31388	R307-302-3	AMD	08/07/2008	2008-11/91
workers' compensation					
Administrative Services, Risk Management	31347	R37-2	AMD	06/23/2008	2008-10/8
Labor Commission, Adjudication	31236	R602-2-1	NSC	05/05/2008	Not Printed
	30811	R602-2-4	AMD	02/07/2008	2008-1/14
	31238	R602-3	NSC	05/05/2008	Not Printed
	30810	R602-3-3	AMD	02/07/2008	2008-1/16
	31643	R602-4	EMR	07/01/2008	2008-14/127

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	31234	R612-2	5YR	04/28/2008	2008-10/148
	31333	R612-2-5	AMD	07/01/2008	2008-10/130
	31230	R612-3	5YR	04/28/2008	2008-10/149
	30594	R612-4-2	AMD	01/01/2008	2007-22/76
	31229	R612-5	5YR	04/28/2008	2008-10/149
	31231	R612-7	5YR	04/28/2008	2008-10/150
	31251	R612-9-1	NSC	05/05/2008	Not Printed
	31252	R612-10	NSC	05/05/2008	Not Printed
	31565	R612-11	NEW	08/11/2008	2008-13/85
	31734	R612-11	NSC	08/11/2008	Not Printed
	31564	R612-12	NEW	08/11/2008	2008-13/86
	31735	R612-12-2	NSC	08/11/2008	Not Printed
working toward employment					
Workforce Services, Employment Development	31034	R986-400-406	AMD	05/01/2008	2008-6/20
youth					
Human Services, Administration, Administrative Services, Licensing	31017	R501-16	5YR	02/22/2008	2008-6/25
youth corrections					
Human Services, Recovery Services	31563	R527-550	NSC	08/19/2008	Not Printed
zoological animals					
Natural Resources, Wildlife Resources	31047	R657-3	5YR	03/11/2008	2008-7/65
	31220	R657-3	NSC	05/05/2008	Not Printed
	31053	R657-3	AMD	05/08/2008	2008-7/45